

that there be one amendment in order for the Democratic leader regarding restoring the point of order on exceeding the scope of conference, which debate time shall come out of the resolution time; and that final adoption of the resolution must occur prior to close of business of the Senate on Monday, July 26; Provided further that when the Senate considers the agricultural disaster relief amendment to be offered by Senator DASCHLE, or his designee, to the agriculture appropriations bill, no rule XVI point of order lie against the amendment.

Mr. HARKIN. Reserving the right to object, I tried to listen to all of the verbiage. I understand that Senator DASCHLE or his designee would be allowed to offer the emergency agriculture package without any rule XVI, but to what bill? To what measure would the Democratic leader be permitted to offer that?

Mr. LOTT. To the agricultural appropriations bill.

Mr. HARKIN. Agricultural appropriations. And that will come up before we leave in August?

Mr. LOTT. Right.

Mr. FEINGOLD. Reserving the right to object, I ask the leader a question. I assume a second-degree amendment to the first-degree concerning agriculture would be out of order under rule XVI?

Mr. LOTT. Amendments thereto would have to be protected in the same way in order for that to go forward. We can't have one amendment in order and not have amendments thereto be in order also.

Mr. FEINGOLD. Mr. President, I will have to object.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, now I understand the reservation that the Senator from Wisconsin has, and we can clarify that.

Let me read the last paragraph again. I think it will make it clear:

Provided that when the Senate considers the agricultural disaster relief amendment to be offered by Senator DASCHLE, or his designee, to the agricultural appropriations bill, no rule XVI point of order lie against the amendment or amendments thereto relating to the same subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, if I could, this just provides for a fair opportunity for debate on the restoration of the rule XVI issue that we talked about earlier today which would allow Mem-

bers to have a debate on that and a vote. If rule XVI is put back into place, of course, legislation on appropriations bills will be limited, unless there is a rule by the Chair and it gets 51 votes.

We also have to debate and vote on the question of scope issues coming back out of conference.

When we do bring up agriculture appropriations before the August recess, there will be one amendment relating to disaster relief by Senator DASCHLE or his designee, and we will have an opportunity to have our amendment on the same subject. It will not relate to dairy, I make that clear.

#### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

Mr. LOTT. Mr. President, with regard to tonight, we need to just keep going forward. Senator REID, as usual, is doing good work. The managers, Senator JUDD GREGG and Senator HOLLINGS, have been working. I think if we will be serious—and I don't think a lot of Senators are on either side—in trying to get this completed, we still have a raft of amendments that either need to be accepted or withdrawn.

I tried to see if we could do the work in the daylight, and I tried to see if we could do it on Mondays or Fridays. None of that seems to suit the Senate. I think we ought to keep going as late as it takes to finish this legislation. That way, we can get it completed. So it is at your pleasure. I live on Capitol Hill, so I will be at home watching you all on TV and wishing you the best. When the votes are ready, I will come back and vote. It is up to the Senators. Do we get rid of this long list of amendments that Senator REID and Senator GREGG have been working on and keep going on into the night, or we can come in tomorrow. I am flexible either way. We have to get this bill done. I think we ought to keep going.

I hope Senators will get serious about getting rid of some of these amendments. There is no reason we shouldn't have another vote or two and final passage. I hope we can get that done. This is not aimed at one side or the other. It is on both sides. Let's get serious and complete this bill.

I yield the floor.

Mr. DASCHLE. Mr. President, I take a moment to thank the majority leader for his willingness to work with us and cooperate to the point that he has tonight to reach the agreement we have for Monday. I believe this is a fair compromise. We will have an opportunity to debate it, offer an amendment, and have the vote. We will also have the opportunity to have a good discussion about how we might proceed with agriculture disasters. I think this accommodates many of the concerns we have raised.

I also must share his hope that we can finish this bill at a reasonable hour. It is 9 o'clock. There is no reason within the next hour we couldn't finish this bill. I appreciate especially the deputy minority leader for all of the work he has done to get us to this point. We are down to a couple of amendments on our side. I am hopeful we can finish. There is no reason we can't do it reasonably soon.

I yield the floor.

Mr. HARKIN. Mr. President, first of all, what is the parliamentary situation right now on the floor?

The PRESIDING OFFICER. The pending amendment is the Gregg amendment, No. 1272.

Mr. HARKIN. I ask unanimous consent to set that amendment aside and call up an amendment.

Mr. REID. Reserving the right to object, the Senator from Iowa wants to discuss an amendment that has been agreed to for 6 minutes, is that so?

Mr. HARKIN. About 6 minutes. I want to call it up first.

Mr. GREGG. Is it necessary to call it up?

Mr. HARKIN. I would like to call up my amendment.

Mr. REID. We are going to put it in the managers' amendment.

The PRESIDING OFFICER. The Chair cannot hear. We have quite a lot of racket here in left field. If we could take those conversations to the Cloakroom, it would sure help us proceed with the business at hand.

The Senator from Iowa.

Mr. HARKIN. I was under the understanding I was going to bring up my amendment, I would talk for 5 minutes, they would accept it, and that would be the end of it.

Mr. GREGG. No objection.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 1304

(Purpose: To provide \$100,000,000 in Byrne grant funding offset by reducing funds for travel, supplies, and printing expenses in the bill by 5.8 percent and cutting funds for preliminary work on possible Supreme Court improvements)

Mr. HARKIN. I ask consent to set aside the pending amendment. I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. HATCH, Mr. GRASSLEY, Mr. BROWNBACK, Mr. BINGAMAN, Mr. BIDEN, Mr. JOHNSON, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. AKAKA, Mr. FEINGOLD, Mr. LAUTENBERG, and Mr. BRYAN, proposes an amendment numbered 1304.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, line 20, strike "\$452,100,000" and insert "\$552,100,000".

On page 66, line 20, strike "\$18,123,000" and insert "\$9,652,000".

On page 66, line 20, strike "\$15,222,000" and insert "\$6,751,000".

On page 111, after line 7, insert the following:

SEC. \_\_\_\_\_. (a) The total discretionary amount made available by this Act is reduced by \$92,000,000: *Provided*, That the reduction pursuant to this subsection shall be taken pro rata from travel, supplies, and printing expenses made available to the agencies funded by this Act, except for activities related to the 2000 census.

(b) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (a).

Mr. HARKIN. Mr. President, I send this amendment to the desk on behalf of myself, Mr. HATCH, Mr. GRASSLEY, Mr. BROWNBACK, Mr. BINGAMAN, Mr. BIDEN, Mr. JOHNSON, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. AKAKA, Mr. FEINGOLD, Mr. LAUTENBERG, and Mr. BRYAN. I thank the managers of the bill for their willingness to accept this.

What this amendment would do is restore the funding for the Edward Byrne Memorial Grant Program to the fiscal year 1999 level. In the bill before us, the Byrne grant was cut by \$100 million from the fiscal year 1999 level; I might point out, on a bipartisan basis. This was cut first by the President. It was kept in as the bill came to the floor.

I am grateful they accepted this amendment because these grants go directly to local and State law enforcement. For fiscal year 1999, \$552 million was distributed to State and local law enforcement agencies through Byrne grants. But for fiscal year 2000, the Byrne grant was cut by the White House and by the initial actions before we got to the floor by more than 18 percent. This amendment would restore the fiscal year 1999 funding level for the Byrne program.

The Byrne program is one of the most successful Federal anticrime programs ever. It pays for drug enforcement task forces, more cops on the streets, improved technology, and countless other valuable antidrug and anticrime efforts in local communities.

Restoring the Byrne funds is a top priority of law enforcement groups who know the impact the program has had on crime and drugs. The National Association of Police Organizations, the National Sheriffs' Association, and the International Association of Police Chiefs have all contacted me, urging full funding of this program.

I have received dozens of letters from Iowa police chiefs and sheriffs describing the kinds of setbacks they would suffer if these cuts go through. The Byrne grant provides critical staff and resources for Iowa's 24 drug enforcement task forces working to stem the

methamphetamine epidemic in the region.

Iowa and the Midwest have made great strides in reducing methamphetamine production and supply over the last few years. The proposed cuts to the Byrne program would only set them back in their uphill battle.

Sgt. Tom Andrew, head of the Southeast Iowa Inter-Agency Drug Task Force that covers six rural counties, wrote me saying that his task force was made possible through the Byrne grant. Without it, most of the small agencies in that region would lack the manpower, funds, training, and technology necessary to combat the methamphetamine problem. Sergeant Andrew said:

A funding cut of this magnitude would have a detrimental effect on our program and would, in all probability, result in the elimination of the task force.

I have heard this story over and over again from my contacts in Iowa. These drug task forces are funded primarily by the Byrne grants, and they are desperately needed to fight our State's battles against methamphetamine use. I know this is the case in most States across the country.

We just cannot afford to have an 18-percent cut in the Byrne grants in our States next year. It makes no sense to cut such a successful program that directly benefits our local communities.

I thank the managers for accepting this amendment, and I trust we will keep the Byrne memorial grants at least at the same level next year as they were this year.

Again, I thank my colleague from Kansas also for his strong support of this program. I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I want to add my comments in support of this amendment that Senator HARKIN has put forward. I think it is a good way of doing it. Here is a program that puts money directly back to the States for law enforcement; lets them decide. We take this out of travel and office supplies over the rest of the bill. I think it is much better we spend the money back in Iowa, in Kansas, in our various States, rather than on travel and printing here in Washington. That is a good trade. That is a good way to go. That is why I supported this amendment, and I am glad to hear the managers are willing to accept it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 1304) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

#### AMENDMENT NO. 1305

(Purpose: To prohibit the transfer of a firearm or ammunition to an intoxicated person)

Mrs. BOXER. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1305.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 111, between lines 7 and 8, insert the following:

#### SEC. 6 . PROHIBITION OF TRANSFER OF A FIRE-ARM TO AN INTOXICATED PERSON.

(a) PROHIBITION OF TRANSFER.—Section 922(d) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) is intoxicated.”.

(b) DEFINITION OF INTOXICATED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(35) The term ‘intoxicated’, in reference to a person, means being in a mental or physical condition of impairment as a result of the presence of alcohol in the body of the person.”.

Mrs. BOXER. Mr. President, I am happy to make my remarks very brief because I understand this amendment will be accepted. I ask, if it is OK with the managers, if I can have 3 minutes to explain the amendment before it is accepted?

Mr. GREGG. I ask consent the Senator from California have 3 minutes and the Senator from Idaho have 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am very relieved that we are seeing an acceptance of this amendment. It is so straightforward.

Under current Federal law, you cannot sell a gun to any person if the seller knows or has reason to believe any of the following, that the buyer is: a felon, a fugitive, an addict of a controlled substance, is mentally ill, is an illegal immigrant, has been dishonorably discharged from the military, has renounced his or her American citizenship, is subject to a court order on domestic violence or has been convicted of a domestic violence misdemeanor.

Already under current law anyone selling such a person a weapon, who knows, or has reason to believe this, cannot do that. All we are adding to this is: a person who is intoxicated. This is very simple. I am so pleased we are going to see this accepted. Senator CRAIG is going to make some comments.

But I want to talk about one case, a story about a woman named Deborah Kitchen, who is a quadriplegic, and she got that way because her ex-boyfriend shot her.

Tom Knapp consumed, by his own estimate, a fifth of whiskey and a case of beer. He went to K-mart in Florida to buy a .22-caliber rifle and a box of bullets. He was so intoxicated that the clerk had to help him fill out the Federal form required to purchase the gun, but he still bought the rifle, he shot his girlfriend, and left her a quadriplegic.

Let me tell you another story. This one is from Michigan. It involves an 18-year-old named Walter McKay, who had engaged in a day-long drinking spree and then went and bought ammunition for his shotgun. He was so intoxicated that he could not remember whether it was a man or woman who sold him the ammunition and could not identify what he purchased.

He took those shotgun shells, loaded his gun, and intended to shoot out of the back window of an acquaintance's truck. He was intoxicated. The shot missed, ricocheted off the wheel of the truck, and hit Anthony Buczkowski. Mr. Buczkowski had to have a finger amputated and his left wrist surgically fused.

To me, it flies in the face of common sense that someone who is intoxicated is able to buy a gun or ammunition. And it flies in the face of the evidence.

A 1997 study in the Journal of American Medical Association found that "alcohol and illicit drug use appear to be associated with an increased risk of violent death."

Yet, Mr. Knapp and Mr. McKay could buy a gun and ammunition because it is not—I repeat, not—against the law to sell a gun to someone who is intoxicated. Gun sales are largely regulated at the federal level. Gun sales involve Federal licenses and federal forms. This is a Federal responsibility, and there should be a Federal law that stops this outrage.

So, my amendment makes it against federal law to sell a firearm or ammunition if the seller knows or has reasonable cause to believe that the buyer is intoxicated.

I want to talk about for a minute about one of the items on the list. Notice that the current federal law includes a prohibition on the sale of a gun to a drug user.

In fact, the way the law is worded, you do not even need to be high on drugs at the time you buy the gun. If the seller knows or has reasonable cause to believe that you are a user or addict of an illegal drug—regardless of whether you are high at the moment the gun is purchased—he is not supposed to sell you a gun.

So, I say to my colleagues, if you cannot buy a gun when you are high on drugs, you should not be able to buy a gun when you are intoxicated on alcohol.

That is all my amendment does.

I want to make one more point. And that is about what an individual cannot do when he or she is intoxicated.

States and localities have all sorts of laws that prohibit intoxicated people from engaging in certain activities and buying certain things that are otherwise legal.

There are State laws that prohibit people from serving alcohol to someone who is intoxicated, selling fireworks to someone who is intoxicated, and renting an intoxicated person a car.

But in reviewing State laws, we could not find a single State that prohibited the sale of guns to intoxicated persons. So this amendment—which prohibits it under federal law—is really critical.

Guns and alcohol do not mix. And all I am saying with this amendment is that if you are intoxicated, you cannot buy a gun or ammunition. It is very reasonable, and it will save lives.

In many States in this Union, if you are drunk you cannot drive a car, operate a boat, operate a snowmobile, fly a plane, even get on a plane, operate an all-terrain vehicle, ride a bike, and in West Virginia you cannot even obtain a tattoo if you are drunk. But you can go in and buy a gun.

So I think this is a really important step forward as we try to pass sensible gun control legislation. It is common sense. I am very pleased it has been accepted, and I am happy to yield the floor.

Mr. CRAIG. Mr. President, at this time we are taking a close look at the Boxer amendment. I have visited with the Senator from California. She is being very straightforward with this amendment. No one out there wants to suggest that anybody in the legitimate business of selling guns in a legal fashion should sell one to an intoxicated person.

I am concerned about the section of the code she is amending as it relates to penalties. I certainly do not believe any of us would suggest that anybody in a retail business who sells guns within the context of the Federal law becomes an alcohol expert or has breathalyzer equipment or any of that kind of thing at the point of sale. We want to make sure that is clear, because that is asking a nonprofessional to make a professional determination that could ultimately put them in tremendous liability, up to 10 years in prison. We want to make sure that is perfectly clear.

I said to the Senator from California we will work with her to assure that going into conference, that section of the code is clarified so her amendment is as clear as, obviously, she intends it to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friends and say that clearly we are

not suggesting in any way, shape, or form that people who are in the retail business and sell guns should have a breathalyzer. We are merely adding to this list a person who is intoxicated.

Clearly, under current law, you do not have to be a psychiatrist or you do not have to have a psychiatrist on your staff at K Mart, if you sell guns, to determine if someone is mentally ill. The way 18 U.S.C. 922(d) reads is you have to know or have reasonable cause to believe. It is a pretty broad definition.

I hope Senator CRAIG, in working with us, will recognize we are not doing anything different than we do for all of these other problem areas. It is just going to make the law stronger and better. We will stop people, such as Thomas Knapp, from walking in and buying a gun dead drunk, flat-out drunk, going home, and injuring a perfectly innocent person, in this case a loving person. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment?

The amendment (No. 1305) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1306

(Purpose: To ensure that parties to the tuna convention pay their fair share of the expenses of the Inter-American Tropical Tuna Commission before they are allowed to export tuna to the United States)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1306.

Mrs. BOXER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 83, at the end of line 19, before the period insert the following: "Provided further, That of the amounts made available for the Inter-American Tropical Tuna Commission in Fiscal Year 2000, not more than \$2,350,000 may be obligated and expended: Provided further, That no tuna may be imported in any year from any High Contracting Party to the Convention establishing the Commission (TIAS 2044; 1 UST 231) unless the Party has paid a share of the joint expenses of the Commission proportionate to the share of the total catch from the previous year from the fisheries covered by the Convention which is utilized by that Party".

Mr. REID. Mr. President, if the Senator will yield, we need to have a time agreement established on this amendment. The Senator from California has indicated she needs 30 minutes.

Mr. GREGG. I suggest, then, we have 45 minutes on this amendment: 30 minutes to the Senator from California, 15 minutes in opposition.

Mrs. BOXER. I say to my friend, I may not take the entire 30 minutes.

Mr. GREGG. It will be very helpful to a lot of people, I suspect, if we can move this amendment along.

Mrs. BOXER. I am hopeful we can get through this.

Mr. REID. Mr. President, I say to the Senator from California, I am in touch with the Senator from Delaware, and he is going to make a decision soon.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California.

Mrs. BOXER. Mr. President, the reason I need a little time is that this is a complicated situation we are facing and it involves the whole issue of dolphin protection versus trade versus countries that owe money to the Tuna Commission and are not at this point paying their fair share. I will explain all of this.

All my amendment says is that until the Latin American countries pay their fair share to the Tuna Commission, they should not be allowed to export their tuna into this country.

The Inter-American Tropical Tuna Commission has set these laws. It says that each member country to the Commission must pay its required share to the Commission and makes it clear that if they do not pay as required by current law, they may not export tuna into the United States.

Right now in this appropriations bill—and I think this is very important—our contribution is way too large. We are picking up the contribution of the Latin American countries. The contribution of each country is supposed to be based on the percentage of the catch in the eastern tropical Pacific. Our catch at maximum has been 40 percent, and yet in this bill, we are paying 75 percent of the total cost of the Commission.

I do not mind being Uncle Sam, but I object to being Uncle Sucker, and that is what we are doing. We should not be picking up the tab for countries that want the privilege of exporting their tuna into our markets.

There are three principal benefits from this amendment which, by the way, is cosponsored by Senator BIDEN, Senator JOHN KERRY, Senator DURBIN, Senator FEINGOLD, and Senator REID.

One, the amendment forces countries to pay their fair share of expenses which they committed to do when they signed on to the Commission.

Two, the amendment will delay the importation of tuna that is caught by chasing and circling dolphins. It will stop that importation because we know that purse seining on dolphin hurts and harm the dolphin. There was a huge boycott in this country by the schoolchildren a long time ago because purse

seining was seen by them and by many Americans as being wrong: harass the dolphin, chase the dolphin because they happen to swim over the tuna, then they encircle them, catch them in the net and a lot of them are harmed, some of them are killed. If we delay the importation of tuna that is caught in this fashion, we will be saving the dolphin.

Third, because we put a freeze on the amount of money that can be paid by the United States, or I should say be limited to \$2.35 million, we are saving about \$1 million, and that \$1 million can go to a host of other places and commissions that deal with fisheries conservation.

It is important to note that the Tuna Commission is involved in many activities that affect all the member nations. Why should we be picking up the tab for them? There are costs associated with this commission, and the convention clearly indicated that each Nation should pay its fair share. It says the countries that fish more in this particular part of the ocean should pay more.

The convention states:

The proportion of joint expenses to be paid by each High Contracting Party shall be related to the proportion of the total catch from the fisheries covered by this Convention \* \* \*

This was decided in 1949, but it still makes sense. Countries are required to pay a share of expenses relative to their utilization of the fisheries.

The United States has always paid its fair share, but this year, for some unknown reason, we are paying the share of these other nations. We are not the largest beneficiary of tuna from the eastern tropical Pacific, and we should not be paying 75 percent of the cost. It must stop. Other countries should be carrying their own weight on this and, frankly, when we had our big debate over purse seining on dolphins and changing the label that goes on the tuna can—and many of us who really did not like this law went along with it—we went along with it in part because finally at least it recognized that these other countries have to pay their fair share, and now they are not doing it.

And these countries are purse seining the dolphin. They are harming the dolphin. We have seen a decline, since that tuna labeling bill went into effect, of 80,000 dolphin a year killed down to 5,000. Now, unfortunately, we lost that battle. This tuna that is caught in Latin American countries is going to come in, and these countries are not paying their fair share of the costs of the Commission.

So I think it is very important that we agree to this amendment. It isn't right that other countries are not paying their fair share. Frankly, it isn't right that other countries are encircling the dolphin, killing the dolphin,

maiming the dolphin, and they want to come in to our market, and they want to come in without doing anything to pay their share.

Scientists, consumers, and tuna companies agree that chasing and netting is not safe for dolphins. The dolphin population in the eastern tropical Pacific are not recovering. And the harassment by these fishermen is a tremendous problem that is affecting dolphin reproduction. So what do we do? Instead of trying to encourage safe fishing methods, we say to the other countries: Just do not worry. Send this tuna in. We will even pay your share of the cost of the International Tuna Commission.

I understand that Senator BIDEN is on his way over, so I reserve the remainder of my time for him. I am happy to yield to the other side who is opposing us on this amendment.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, my friend from California, the distinguished Senator, Mrs. BOXER, feels a sense of compassion about a number of things, one of which is this amendment, and the way in which she, for the past 15 years, has been fighting and successfully, for the most part.

I have been at her side to make sure we, quite frankly, keep dolphins from being killed unnecessarily. It sounds like a simplistic message, but it is as basic as that.

What happened is we got rolled last year by the administration and by the Senate because there are more votes here. We had the Dolphin Protection Act in place. I will not take the time to discuss it now. Actually, it was basically eviscerated by what took place.

I was not particularly pleased with Vice President GORE's position on this, the administration's position, nor the position of my distinguished friend whom I respect very much, Senator BREAUX, and the distinguished Senator from Alaska. That was a formidable array we faced, and we essentially lost.

What did we do last year? Last year, we did basically what the treaty said, and said: Look, we have this mechanism set up where everybody pays their fair share to make it work. The treaty says that. And I will again, in the interest of time, not recite the elements of the treaty which say that and point out how the following sentence can be distinguished that lays out the proportional requirement to participate in this.

But the bottom line is very simple. We made an agreement last year involving countries in question. They said they agreed, the administration promised, and the Senate said everybody will pay their fair share. Simple. Wrong.

We are paying 70 percent or more of the administration of this arrangement, and we should only be paying 40 percent. The distinguished Senator from California comes along and says: Hey, look, let's make it 50 percent. We will pay more than we should, but not this disproportionate amount. And if they do not pay as they promised, they should not get the benefits that flow from the agreement that encompasses their participation.

So it is real simple, I say to my distinguished friend from South Carolina, who asked me to be brief. I will be brief. This is not fair. The Senator from California is right. She is willing to have us pay more than our fair share but not essentially twice what our fair share is.

So I support the amendment, and I hope the managers of the bill may see fit, based on their sense of justice and their notion of fairness, to accept the amendment.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my friend, Senator BIDEN. So many years ago we teamed up to make sure that the dolphin were protected. He has stuck with me through this battle, along with his daughter Ashley.

Senator HARRY REID would like to be added as a cosponsor. I ask unanimous consent that he be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield to my friend, Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from California for her leadership on this issue. It is late at night. People do not want to talk about this. They want to go home. Some of us will go home and eat tuna salad. And if you eat tuna in your household, you bear some responsibility. You hope that your children will have that opportunity, and you hope that the fisheries around the world are going to be handled responsibly.

We passed a law here in 1997 and said: We are going to do what we can to conserve the dolphin which have become victims of those who are fishing for tuna—international convention, international agreement, dolphin conservation. And we said: If you happen to be one of the countries fishing for tuna that may endanger the dolphin, we are going to make you participate, spend some money to make sure this program

works based on the percentage of your catch. That is a very reasonable program, conserving the dolphin, saying to each country: Pay your fair share based on what you catch.

I live in the Midwest. I do not live near an ocean. But I get it. I understand this. I just cannot understand why in this bill—before the amendment by the Senator from California—that we are suggesting the United States should pay more than its share.

There are countries here, for example, that are paying nothing.

Mrs. BOXER. Exactly.

Mr. DURBIN. Costa Rica, 7.6 percent of the catch, proportion of payments, zero; Venezuela, 16.2 percent of the catch, proportion of payments, zero; Ecuador, 26.3 percent of the catch, proportion of payments, zero.

Why aren't these countries paying their fair share, their fishery industry fishing for tuna, signatories to this agreement? They should be paying their share instead of being subsidized by the United States.

I think we should take the money saved by the Senator from California and dedicate it to a lot of other international fishery efforts that are listed within this legislation. I am happy to support her amendment. I think it is eminently fair. I hope those listening to the debate will join us in making certain that every country lives up to its obligation.

Mrs. BOXER. Mr. President, I thank all my friends tonight for helping this through. I know when it gets this late, people get upset with you for trying to pass amendments and continuing to work because everyone is exhausted. I am, too.

I want to be clear for the RECORD, I was willing to debate this on Friday and put off the vote until Monday night, but we were unable to reach that kind of agreement.

I ask unanimous consent to have printed in the RECORD the list of the countries and what they have been paying.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TUNA/DOLPHIN AMENDMENT TO CJS  
APPROPRIATIONS BILL

*Question 1.* How much were we intending to pay according to the State Department budget request?

Answer. \$3.4 million.

*Question 2.* What is the total proposed budget for the IATTC?

Answer. \$4.7 million.

*Question 3.* What proportion of the IATTC budget is the State Department request? What is the U.S. proportion of tuna utilization?

Answer. U.S. proposed proportion of the budget is 72%; U.S. tuna utilization is approximately 40%.

*Question 4.* How many nations are members of the IATTC and who are they?

Answer. 11 members: Costa Rica, Panama, Japan, France, Nicaragua, Vanuatu, Venezuela, El Salvador, Ecuador, Mexico and the United States.

*Question 5.* What is the estimated utilization of each nation and how much to they pay?

Answer. The most recent data that has been compiled on utilization is from 1996. According to those figures, the breakdown is as follows:

Country	Proportion of utilization (percent)	Proportion of payments (percent)
United States .....	39.6	91.4
France .....	1	9
Japan .....	9	7.7
Nicaragua .....	0	0
Panama .....	0	.01
Costa Rica .....	7.6	0
Vanuatu .....	0	.01
Venezuela .....	16.2	0
Ecuador .....	26.3	0
El Salvador .....	0	0

Mrs. BOXER. The United States portion of its catch and utilization is less than 40 percent, yet it has been paying 91 percent of the cost of the Commission. As my friend pointed out, there are nations here—Ecuador is catching 26 percent, and they are paying nothing. So what are we doing here?

I know these countries are our friends, but the taxpayers are our friends, too, besides which, these countries are purse seining on dolphin, and they are hurting those beautiful creatures. So why are we in such a rush to cover their payments and let them bring in this tuna?

My last point is another point my friend from Illinois made. He usually hits the nail on the head; he has done it again. Here are some of the other commissions that could benefit from the \$1 million we are saving in this amendment: the Great Lakes Fishery Commission, Pacific Salmon Commission, International Pacific Halibut Commission, International Whaling Commission—it goes on and on—North Atlantic Salmon Conservation Organization, North Pacific Marine Science Organization, Inter-American Sea Turtle Convention Commission, Commission for the Conservation of Highly Migratory Species in the Western and Central Pacific Ocean.

Here we see that what we are doing is taking money from our taxpayers to pay for the Latin American countries that are going to get away with not paying their bill, and still they are allowed, unless we pass this Boxer-Biden-Kerry amendment, to export their tuna into this country—I want to underscore—unlike the American companies, that are really good to the dolphin and use safe fishing practices. They will bring their tuna in after purse seining dolphin, harassing the dolphin, killing them, maiming them, harming them, hurting their reproductive capacity.

With this amendment, I think we do a lot of good things. We save money, we help other commissions, and we stand up to our friends in Latin America and say: Pay the bills.

I yield to my friend from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask the distinguished Senator from California—I think she makes an outstanding case—as I remember it, isn't this the compromise agreement made with the opposition, that these amounts would be paid by these countries, some 2 years ago?

Mrs. BOXER. Yes.

Mr. HOLLINGS. This is the compromise we agreed to back 2 years ago. What you are trying to do by your amendment is merely to enforce the compromise with those opposed to us in the first instance.

Mrs. BOXER. My friend is exactly on target. When we reached this compromise, which wasn't a happy compromise for us, one of the clear understandings was that as these countries sought to export their tuna, which has been banned from this country, as my friend knows, for a long time, because of their fishing methods which are so cruel to the dolphin, we said: If you have to bring this tuna in, then pay your fair share of the commission.

Essentially, if you look at the public law that we did pass, you will find it exactly here. In order for them to export, such nation, the section says, "is meeting the obligation of the International Dolphin Conservation Program and the obligations of membership, including all financial obligations."

This is the law Senator STEVENS agreed to, Senator BREAUX agreed to, Senator GREGG agreed to, and all of us—sad that we were that we didn't win what we wanted—agreed to. Now they are not paying their fair share, and they still say, well, let them export their tuna. This is wrong.

Mr. HOLLINGS. That is the reason I wanted to make the point. I understand a motion to table may be made. I hope we won't table it. The Senator from California is only making real the compromise agreement entered into some 2 years ago with the opposition.

I thank the Senator for her leadership.

Mrs. BOXER. Mr. President, I am happy to yield back the remainder of my time. I think we have made our point.

What we are doing is essentially, with this amendment, enforcing the agreement that everyone agreed to. If they don't come on board on this, I think it makes this agreement and this public law completely worthless. I hope people will support this amendment. It is good for taxpayers, and it is good for the dolphin.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, at this time I move to table the Boxer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1307, WITHDRAWN  
(Purpose: To reduce amounts appropriated by the bill and make available funds for the international criminal tribunals for the former Yugoslavia and Rwanda)

Ms. LANDRIEU. Mr. President, I send an amendment to the desk. I have discussed this with the manager.

The PRESIDING OFFICER. That will take unanimous consent.

Mr. REID. Mr. President, the Senator from Louisiana wants to discuss the amendment.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

I will not ask for a vote tonight on this. I have discussed this with the manager, but I want to call it to the attention of the Senate. It is something Senator SPECTER and I have worked on, along with many others on both sides, dealing with monies to properly fund the War Crimes Tribunal.

It has come to our attention that even though we were successful in putting some additional funding into the War Crimes Tribunal for all the situations occurring in Kosovo, some of the money, sort of the standard amount of money that we spend on war crimes, is not present in the current bill we are discussing.

I wanted to offer an amendment to restore it. Given the late hour, given the tight constraints, I have talked with the Senator, and he said they will try to work this out at conference. I bring it to the attention of the Senate to thank him for his consideration.

At this time I will withdraw the amendment.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 1307.

The amendment is as follows:

On page 89, between lines 8 and 9, insert the following:

SEC. 408. (a) Each of the amounts appropriated by this Act (other than the accounts specified in subsection (b)) shall be reduced by the percentage that results in a total reduction in appropriations under this Act of \$20,000,000.

(b) In addition to the amounts appropriated by this Act under the following accounts, there are hereby appropriated under

such accounts, out of any money in the Treasury not otherwise appropriated, the following amounts for the following purposes:

(1) For "Contributions to International Organizations", \$7,000,000, which amount shall be available only for contributions to the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda.

(2) For "Contributions for International Peacekeeping Activities", \$13,000,000, which amount shall be available only for contributions to the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda.

Mr. GREGG. Mr. President, I ask unanimous consent that that amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1308 THROUGH 1341, EN BLOC

Mr. GREGG. Mr. President, there are at the desk 34 amendments that are in order under a previous unanimous consent agreement. These 34 amendments have been cleared. I ask unanimous consent that they be recorded separately and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1308 through 1341), en bloc, were agreed to.

The amendments are as follows:

AMENDMENT NO. 1308

On page 8, line 13, strike "\$25,000,000" and insert "\$27,000,000".

On page 8, line 23, insert before the period: "and of which \$1,000,000 shall be for the task force coordinated by the Office of the United States Attorney for the Eastern District of Wisconsin, and \$1,000,000 shall be for the task forces coordinated by the Office of the United States Attorney for the Western District of New York and task forces coordinated by the Office of the United States Attorney for the Northern District of New York".

On page 19, line 23, after the colon, insert the following: "Provided further, That any Border Patrol agent classified in a GS-1896 position who completes a one-year period of service at a GS-9 grade and whose current rating of record is fully successful or higher shall be classified at a GS-11 grade and receive pay at the minimum rate of basic pay for a GS-11 position: *Provided further*, That the Commissioner shall have the authority to provide a language proficiency bonus, as a recruitment incentive, to graduates of the Border Patrol Academy from funds otherwise provided for language training: [*Provided further*, the Commissioner shall fully coordinate and link all Immigration and Naturalization Service databases, including IDENT, with databases of the Department of Justice and other federal law enforcement agencies containing information on criminal histories and records of prior deportations:] *Provided*



further, That the Immigration and Naturalization Service shall only accept cash or a cashier's check when receiving or processing applications for benefits under the Immigration and Nationality Act."

On page 27, line 15, after "Initiative," insert the following: "of which \$500,000 is available for a new truck safety initiative in the State of New Jersey."

On page 27, line 15, after "Initiative," insert the following: "of which \$100,000 shall be used to award a grant to Charles Mix County, South Dakota, to upgrade the 911 emergency telephone system."

On page 29, line 16, before the semicolon, insert the following: ", of which \$300,000 shall be used to award a grant to the Wakpa Sica Historical Society."

On page 32, line 23, strike "..." and insert the following: ", of which \$500,000 shall be made available for the Youth Advocacy Program:"

At the end of title I, insert the following: "Sec. \_\_. No funds provided in this Act may be used by the Office of Justice Programs to support a grant to pay for State and local law enforcement overtime in extraordinary, emergency situations unless the Appropriations Committees of both Houses of Congress are notified in accordance with the procedures contained in Section 605 of this Act."

At the end of title I, insert the following: "Sec. \_\_. Hereafter, notwithstanding any other provision of law, the Attorney General shall grant a national interest waiver under section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)) on behalf of any alien physician with respect to whom a petition for preference classification has been filed under section 203(b)(2)(A) of such Act (8 U.S.C. 1153(b)(2)(A)) if—

(1) the alien physician seeks to work in an area designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Department of Veterans Affairs; and

(2) a Federal agency or a State department of public health has previously determined that the alien physician's work in such an area or at such facility was in the public interest."

On page 57, line 16, delete "\$1,776,728,000" and insert in lieu thereof: "\$1,782,728,000"; and

On page 57, line 17, before the colon, insert ", of which \$6,000,000 shall be used by the National Ocean Service as response and restoration funding for coral reef assessment, monitoring, and restoration, and from available funds, \$1,000,000 shall be made available for essential fish habitat activities, and \$250,000 shall be made available for a bull trout habitat conservation plan."

On page 58, line 20, before the period, insert the following: "Provided further, That the Secretary may proceed as he deems necessary to have the National Oceanic and Atmospheric Administration occupy and operate its research facilities which are located at Lafayette, Louisiana".

On page 66, line 15, delete "\$34,759,000" and insert in lieu thereof: "\$35,903,000".

On page 66, line 20, delete "\$18,123,000" and insert in lieu thereof: "\$8,002,000".

On page 66, line 20, delete "\$15,222,000" and insert in lieu thereof: "\$5,101,000".

On page 73, line 6, insert before the period: "Provided, That \$9,611,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in Title III of this Act."

On page 88, line 17, strike "may" and insert "should".

On page 98, line 24 delete "\$251,300,000" and insert in lieu thereof: "\$246,300,000".

On page 100, line 2, strike "(d)" and insert in lieu thereof: "(e)".

On page 100, line 9, strike ".", insert the following:

"Provided further, That during fiscal year 2000, debentures guaranteed under Title III of the Small Business Investment Act of 1958, as amended, shall not exceed the amount authorized under section 20(e)(1)(C)(ii)."

#### AMENDMENT NO. 1309

(Purpose: To provide for security for certain federal personnel)

At an appropriate place in the bill, add the following new section:

SEC. \_\_. For fiscal year 2000, the Director of the United States Marshals Service shall, within available funds, provide a magnetometer and not less than one qualified guard at each unsecured entrance to the real property (including offices, buildings, and related grounds and facilities) that is leased to the United States as a place of employment for Federal employees at 625 Silver, S.W., in Albuquerque, New Mexico.

#### AMENDMENT NO. 1310

(Purpose: To provide funds to carry out the drug-free workplace demonstration program)

On page 99, line 9, insert before the period the following: "Provided further, That \$1,800,000 shall be made available to carry out the drug-free workplace demonstration program under section 27 of the Small Business Act (15 U.S.C. 654)".

Mr. COVERDELL. Mr. President, my amendment ensures the Small Business Administration's Drug-Free Workplace demonstration moves forward. I want to thank Senators KYL, SESSIONS, ABRAHAM, DEWINE and SNOWE for joining me in this effort. I also want to express my sincere appreciation to Senators BOND, GREGG, and HOLLINGS, as well as their staffs for their cooperation.

Last year, the Drug Free Workplace Act received broad bipartisan support when it was enacted. The House passed it 402-9, and the Senate Committee on Small Business endorsed it without opposition. We see this program as a critical opportunity to assist small businesses who are grappling with the hardships of drug abuse in the workplace.

The funding included in the FY2000 Commerce, Justice, State Appropriations bill, will enable these demonstrations to go forward. The Small Business Administration's initial grant applications indicate there is tremendous need for drug-free workplace programs. It has been reported that no less than 146 qualified grant applications were submitted to SBA for FY1999 funding, but no more than 30 will be funded. At least 116 of these qualified potential drug-free workplace demonstration programs will go unfunded leaving \$12 million in unmet need.

Again, I look forward to working with my colleagues to ensure the Drug-Free Workplace demonstration continues to receive the support of Congress.

I ask unanimous consent that letters demonstrating my point be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DRUG FREE AMERICA  
FOUNDATION, INC.,  
July 8, 1999.

Hon. JON L. KYL,  
U.S. Senate, Washington, DC.

DEAR SENATOR KYL: It is my understanding that you and Senator COVERDELL intend to offer an amendment to the Commerce, Justice, State Appropriations Bill that would earmark the \$6 million necessary to complete the Drug-Free Workplace Demonstration. I would like to commend both of you for your efforts on this issue.

Having worked with you ongoing on the drug issue, I know how important it is to you to fight this problem on every front possible. The workplace is truly a significant front where the battle can be waged. If you consider what makes up a community, you will note that most segments are a workplace of some type. We have schools, churches, social services, law enforcement, private industry, and the public sector—all of which are workplaces. These workplaces provide the perfect opportunity, through drug-free workplace programs, to access our adult population and educate them on the problems associated with drug and alcohol abuse, to intervene on those with problems, and to provide needed treatment to those already addicted.

Over the last ten years, employers have made tremendous progress in addressing drug and alcohol abuse in the workplace. Back in 1986, when I owned a drug testing company, I found the positive drug rate in the workplaces of some communities to be as high as 38 percent. That rate has fallen significantly to below 10 percent. I know from personal testimonies of employees that many casual users ceased to use illicit drugs when their employers began drug testing because they valued their jobs. These individuals, of course, will not become addicted to drugs because they have ceased to use. Their employers' drug-free workplace programs did indeed serve as an effective deterrent to drug use. I also know many employees who have received treatment for drug and alcohol addictions as a result of drug-free workplace programs.

There is a concern, however, for small employers. While the larger companies have implemented very effective, proactive drug-free workplace programs, many small employers have not done so due to financial limitations. I fear that this has resulted in many drug users, who cannot work in the larger companies due to being subject to testing, going to work in smaller companies that do not address the problem of drugs. Having been a small business owner, I know what a struggle it can be to manage a small business and keep it financially afloat. Since drug abusers typically are involved in more accidents, file more workers' compensation claims, are absent more often, and use more leave, they surely take an unnecessary financial toll on our small employers.

The Drug-Free Workplace Demonstration grant monies are greatly needed in order to assist small employers in implementing and maintaining proper drug-free workplace programs to minimize the probability of having drug-using employees. An additional benefit would, of course, be the family members of these employees. When an employee has a drug or alcohol problem, it negatively affects the entire family. If an employer can

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deter or detect and correct the problem with an employee, everyone benefits.

Please consider me a resource and let me know what I can do to support your proposed amendment.

Regards,

CALVINA L. FAY.

ARIZONANS FOR A  
DRUG-FREE WORKPLACE,  
Tucson, AZ, June 25, 1999.

As a drug-free workplace initiative, representing a coalition of over 3,000 businesses, the majority of which are small businesses, we are requesting your help for the drug-free workplace demonstration project.

We are asking that you support funding the remaining \$6 million of appropriated funds for the Small Business Administration in support of this very important drug-free workplace demonstration program.

The need and demand for drug-free workplace resources is growing, while the available resources are shrinking. It is business, and small business in particular, that contributes greatly and supports the economy of this country. It is time for these small businesses to get the help needed to stop the high costs brought about by substance abuse in the workplace. You have an opportunity to make drug-free workplace a reality for many small businesses in this country.

Thank you for your attention to this matter.

Regards,

ELIZABETH EDWARDS,  
Executive Director.

THE COUNCIL ON ALCOHOL AND DRUGS,  
Houston, TX, June 28, 1999.

Re. Support for Continued Drug-Free Workplace Funding.

I am writing to request your support for continued funding for the 1998 Drug-Free Workplace demonstration project. The remaining \$6 million of appropriated funds for this project is critical if we are to continue to provide assistance to our small business community to help them eliminate substance abuse in the workplace. As you know, small businesses employ over 50% of the nation's workforce. These businesses are at increased risk for on the job accidents, absenteeism, turnover, and many other factors related to substance abuse in the workplace.

The Drug-Free Business Alliance represents a coalition of over 1,000 businesses, the majority of which are small businesses. For the past fifteen years we have been providing education and assistance to small businesses in the Houston community to help them reduce the risks and costs associated with on the job substance abuse. There are still thousands of small businesses in need of our services. The \$6 million in remaining funding is critical if drug-free workplace coalitions are to continue to provide services to the thousands of small businesses in need of drug-free workplace services.

Sincerely,

BECKY VANCE,  
Director, Drug-Free Business Alliance.

I am writing to seek your support for the continuation of funding for the 1998 Drug Free Workplace Act which provides for funds for demonstration grants.

Drug Free Pennsylvania has operated a drug-free workplace initiative since 1993 called the Drugs Don't Work Here program. We have helped hundreds of employees adopt a drug-free workplace program and provide them with the technical assistance and training. Our program is one of the most suc-

cessful and strongest in the nation. Our success is due to the strength of our board members and the services which we offer to small employers including policy development, a drug testing consortium, an employee assistance consortium, training and technical assistance for supervisors, and education materials for employees.

Unfortunately, in the past, the problem of substance abusing employees was overlooked to fund other youth-targeted programs. The Drug-Free Workplace Act of 1998 raises the drug-free workplace component on the federal government radar screen and should not be compromised by a funding cut in this budget cycle. I would urge you to continue to funding of the Drug Free Workplace Act of 1998 at or above the funding level originally intended for this program. The resources to assist small business needs to come from non-profit organizations such as ours and should not be set aside after only one year of funding.

As I am sure you know, over 70 percent of drug abuses are employed and over 73 percent of heavy alcohol users are working. Clearly, the biggest burden it borne by employers who hire these individuals in term of lost productivity, increased accidents and workers' compensation costs, and higher absenteeism and tardiness. The problem of substance abuse is compounded by the low unemployment rate where small employers are faced with hiring employees who test positive or not filling a position. Accordingly, the demand for drug-free workplace programs is increasing in a time where programs such as ours are facing severe funding cuts. It is thus imperative that the funding not cease for this invaluable program.

If I can be of assistance to you, please contact me. Thank you for your attention to this matter.

Sincerely,

Beth Winters.

GOLDEN EAGLE DISTRIBUTORS, INC.,  
EXECUTIVE OFFICES,  
Tucson, AZ, June 28, 1999.

Your help would be appreciated in support of the \$6 million appropriation for the S.B.A. drug-free workplace program.

These funds are certainly needed for small business to keep drugs out of the workplace.

Sincerely,

JACK BRADDOCK,  
Vice President.

AAA LANDSCAPE,  
June 29, 1999.

Re: DFW Funding

As an office manager of a mid-sized landscape company in Tucson, Arizona, I have a request to make of you.

Please support funding the remaining \$6 million of appropriated funds for the Small Business Administration in support of the very important drug-free workplace demonstration program.

The need and demand for drug-free workplace resources is growing, while the available resource are shrinking. With unemployment at an almost unheard of low, the need for able-bodied, able-minded workers is desperate. Drug usage, both within the current work force and among the unemployed, is an enormous problem. This demonstration program, even in its infancy, is beginning to make a real difference. We must give it a fair chance.

Please advise Senator Kerry that to kill the second-year funding of \$6 million for the Drug-Free Workplace demonstration program would be a huge injustice to small business owners all over America.

Thank you for your time and attention.

Sincerely,

JEANE FEARSON,  
Office Manager.

PIMA COUNTY, SHERIFF'S DEPARTMENT,  
Tucson, AZ, June 28, 1999.

With the extra trillion-dollar budget surplus announced today in Washington, it seems to me that \$6 million to conclude a vital drug-free workplace demonstration project is a mere drop in the federal bucket.

I serve as chairman of Arizonans For A Drug-Free Workplace, and active member of a national drug-free workplace initiative that represents a coalition of more than 3,000 businesses, the majority of which are small businesses. We seek your help in obtaining funding for the remaining \$6 million of appropriated monies for the Small Business Administration in support of the demonstration project.

As you are aware, the need, and demand for drug-free workplace resources have been increasing, while available resources have been skimming—an obvious contradiction in view of today's fiscal revelation. Doesn't Congress understand that it is business—and small business, in particular—that contributes mightily to the strength of this country's economy.

We in the drug-free workplace initiative believe it is time for these small businesses to receive the help needed to stop the high costs brought about my substance abuse in the workplace. You have the opportunity to make a drug-free workplace a reality for many small businesses across our land.

Sincerely,

ASA BUSHNELL,  
Community Relations Manager.

CONCRETE DESIGNS INC.,  
Tucson, AZ, June 29, 1999.

As a small business manager, I want to express my concern regarding Senator Kerry's move to kill the Drug-Free Workplace funding. The drug issue in the work force is a growing problem in the United States and businesses have little support to help deal with this. Last week alone, I sent five applicants to take a pre-employment drug screen and only one went and tested negative for drugs. This ratio has been typical over the past year. In addition, we continue to lose employees through our random testing program.

You are in the position to help change this trend. Please support the funding of the appropriated funds.

Sincerely,

DEBY WIEST,  
President, General Manager.

NATIONAL DRUG-FREE  
WORKPLACE ALLIANCE,  
MILWAUKEE, WI, JUNE 29, 1999.

It has recently come to my attention that there may be a move afoot to abolish to second year funding for the Drug-Free Workplace Act of 1999. This is of paramount concern as these dollars are aimed at developing drug-free workplace demonstration programs for small business nationwide.

Drug-free workplace programs began, historically, with the country's largest corporations and over the years, have inadvertently, squeezed substance abusers toward smaller business. The tragedy is that most small businesses do not have the resources to develop programs to protect their employees as well as the quality of their products and services, to say nothing of the end users.

It is well documented that drug-free workplace programs are extremely effective at reducing absenteeism, workplace injuries and



theft, to name just a few. Furthermore, it is also well documented that these programs are terrific case finding entities in that they provide incentive as well as vehicles for employees to access Employee Assistance Programs or treatment options to assist in their recovery process. Of course the recovery, or lack of it, has a tremendous impact on families and coworkers as well as the above cited issues as well.

Our Alliance represents drug-free workplace initiatives in nearly thirty states and we see the benefits of these programs, with thousands of employers, on a daily basis. We believe that the wisdom of these programs was recognized when this legislation was initially passed and would ask for your assistance in protecting this valuable pilot that can have a far reaching impact not only at a business level but at a social level as well.

If I or the other Alliance members may be a resource to you, please do not hesitate to call.

Sincerely,

JEROME L. HOUFEK,  
*President.*

—  
MOUNTAIN POWER  
*Tucson, AZ, June 30, 1999.*

Mountain Power Electrical Contractor, Inc. is a small business dedicated to providing a safe working environment for our employees, clientele, and the public. Part of our safety culture includes striving to maintain a drug free workplace.

The U.S. war against drugs is losing ground. According to the reports issued by the Community Epidemiology Work Group (CEWG), the percentage of drug users is on the rise in various categories, including heroin, marijuana, cocaine, and methamphetamines.

It is imperative that our political leaders, businesses, and the public at large support education and prevention in order to win the war against drugs. Dealing with the aftermath of our nation's drug problem in America is proving senseless and useless.

Therefore, our firm is requesting your assistance for the drug-free workplace demonstration project. We are asking that you support funding the remaining \$6 million of appropriated funds for the SBA in support of this very important drug-free workplace demonstration program. This program directly provides and assists small businesses with education, literature, and resources to maintain a drug free workplace and keep abreast of local ordinances, as well as legislative issues.

Thank you for your support and assistance in making the drug-free workplace a reality for small businesses in this country.

Sincerely,

DEBRA GRAHAM-GARCIA,  
*Business Development Specialist.*

—  
TUCSON AIRPORT AUTHORITY,  
*Tucson, AZ, June 29, 1999.*

As a Board member of Arizonans For A Drug-Free Workplace, and the Director of Personnel for the Tucson Airport Authority I am requesting that you support the second year funding of \$6 million for the Drug-Free Workplace demonstration program authorized under last year's Drug-Free Workplace Act of 1998.

The current funding level for year-one at \$3 million for the demonstration will only fund thirty or less programs, hardly enough time or money to conduct a proper demonstration period. The \$6 million second-year funding will provide a much better opportunity for all of the drug-programs to prove

that a drug free workplace can truly make a difference.

Without the appropriated funding drug-free workplace programs will have to close their doors or modify their existence to survive. This is an alarming trend that is already occurring in our country. The need for drug-free workplace funds is increasing while the available resources are decreasing. Substance abuse in the workplace as well as in the home comes at a very high cost to our society.

Thank you in advance for your sensitive consideration to this issue.

Sincerely,

RACHEL INGEGNERI,  
*Director of Personnel.*

—  
TUCSON AIRPORT AUTHORITY,  
*Tucson, AZ, June 29, 1999.*

As a Board member of Arizonans For a Drug-Free Workplace, and the Director of personnel for the Tucson Airport Authority I am requesting that you support the second year funding of \$6 million for the Drug-Free Workplace demonstration program authorized under last year's Drug-Free Workplace Act of 1998.

The current funding level for year-one at \$3 million for the demonstration will only fund thirty or less programs, hardly enough time or money to conduct a proper demonstration period. The \$6 million second-year funding will provide a much better opportunity for all of the drug-free programs to prove that a drug-free workplace can truly make a difference.

Without the appropriated funding drug-free workplace programs will have to close their doors or modify their existence to survive. This is an alarming trend that is already occurring in our country. The need for drug-free workplace funds is increasing while the available resources are decreasing. Substance Abuse in the workplace as well as in the home comes at a very high cost to our society.

Thank you in advance for your sensitive consideration to this issue.

Sincerely,

RACHEL INGEGNERI,  
*Director of Personnel.*

Mr. KYL. Mr. President, I am proud that S. 1217, the Commerce, Justice, and State Appropriations Bill contains an amendment by Senator COVERDELL and me, securing \$1.8 million for drug-free workplace programs. It has been a pleasure to have worked with Senator COVERDELL in obtaining funding for this critical program.

Our amendment is a victory for business and the fight against drugs.

Last year Senator COVERDELL and I authored the Drug-Free Workplace Act, which became law. It provided grants to organizations in order to assist small businesses in starting drug-free workplace programs. The Act was designed to encourage partnerships between small businesses and organizations that have experience in tackling the problem of drugs in the workplace. Many small business are reluctant to implement drug testing or employee-assistance programs, because they lack expertise in crafting such programs.

As we all know, sustaining a competent, able work force hinges on our ability to keep drugs out of the workplace. Funding was needed to continue

this instrumental program. Securing \$1.8 million for FY 2000 is a victory, considering the Administration chose to not fund this effort at all.

Statistics confirm that drug-free workplaces are more productive and efficient than those where some employees abuse drugs. For instance, 47 percent of workplace accidents are drug-related. Moreover, U.S. businesses lose \$176 billion annually to substance abuse for costs due to accidents, absenteeism, and increased health care costs. Drug and alcohol abusers utilize 300 percent more medical benefits than non-abusers.

This amendment will enable small businesses to combat an evil that plagues their work forces, drug abuse.

AMENDMENT NO. 1311

(Purpose: To amend provisions relating to the implementation of the June 3, 1999 Agreement of the United States and Canada on the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon and for other purposes)

S. 1217 is amended as follows:

At page 59, line 12 strike "\$20,000,000" and insert in lieu thereof "\$18,000,000".

At page 59, line 14 strike "Alaska" and insert in lieu thereof "\$20,000,000 is made available as a direct payment to the State of Alaska".

At page 59, lines 22 and 23 strike the comma and the phrase "subject to express authorization".

At page 60, lines 2 and 3 strike the comma and the phrase "subject to express authorization".

At page 76, line 11 strike the comma and the phrase "subject to express authorization".

At the appropriate place in "TITLE VI—GENERAL PROVISIONS" insert the following new section:

"SEC. \_\_\_\_ (a) To implement the June 3, 1999 Agreement of the United States and Canada on the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon (the "1999 Agreement") \$140,000,000 is authorized only for use and expenditure as described in subsection (b).

(b)(1) \$75,000,000 for grants to provide the initial capital for a Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund to be held by the Pacific Salmon Commission and administered jointly by the Pacific Salmon Commission Commissioner for the State of Alaska with Canada according to a trust agreement to be entered into by the United States and Canada for the purposes of research, habitat restoration, and fish enhancement to promote abundance-based, conservation-oriented fishing regimes.

(2) \$65,000,000 for grants to provide the initial capital for a Southern Boundary and Transboundary Rivers Restoration and Enhancement Fund to be held by the Pacific Salmon Commission and administered jointly with Canada by the Pacific Salmon Commission Commissioners for the States of Washington, Oregon, and California according to a trust agreement to be entered into by the United States and Canada for the purposes of research, habitat restoration, and fish enhancement to promote abundance-based, conservation-oriented fishing regimes.

(3)(i) Amounts provided by grants under paragraphs (1) and (2) may be held in interest-bearing accounts prior to the disbursement of such funds for program purposes,

and any interest earned may be retained for program purposes without further appropriation by Congress.

(ii) the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and Southern Boundary and Transboundary Rivers Restoration and Enhancement Fund are subject to the laws governing federal appropriations and funds and to unrescinded circulars of the Office of Management and Budget, including the audit requirements of Office of Management and Budget Circular Nos. A-110, A-122 and A-133; and

(iii) Recipients of funds from the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and Southern Boundary and Transboundary Rivers Restoration and Enhancement Fund, which for the purposes of this subparagraph shall include interest earned pursuant to subparagraph (i), shall keep separate accounts and such records as may be reasonably necessary to disclose the use of the funds as well as facilitate effective audits.

(c) The President shall submit a request for funds to implement this section as part of his official budget request for the Fiscal Year 2001."

#### AMENDMENT NO. 1312

(Purpose: To amend certain provisions for appropriations for costs associated with the implementation of the American Fisheries Act vessel documentation activities)

S. 1217 is amended as follows:

At the appropriate place in "Title VI—GENERAL PROVISIONS" insert the following new section:

"SEC. \_\_\_\_\_. Funds made available under Public Law 105-277 for costs associated with implementation of the American Fisheries Act of 1998 (Division C, title II, of Public Law 105-277) for vessel documentation activities shall remain available until expended."

#### AMENDMENT NO. 1313

(Purpose: To provide funding for the Narragansett Bay cooperative study conducted by the Rhode Island Department of Environmental Management in cooperation with the Federal Government)

On page 57, line 17, before the colon, insert the following: ", of which \$112,520,000 shall be used for resource information activities of the National Marine Fisheries Service and \$806,000 shall be used for the Narragansett Bay cooperative study conducted by the Rhode Island Department of Environmental Management in cooperation with the Federal Government".

#### AMENDMENT NO. 1314

(Purpose: To provide funding for research in addictive disorders and their connection to youth violence)

On page 25, line 5, before "and" insert "of which \$2,000,000 shall be made available to the Department of Psychiatry and Human Behavior at the University of Mississippi School of Medicine for research in addictive disorders and their connection to youth violence".

#### AMENDMENT NO. 1315

(Purpose: To make an amendment with respect to the Crime Identification Technology Act of 1998)

"On page 27, lines 14 and 15, strike 'for the Crime Identification Technology Initiative' and insert 'to carry out section 102 of the Crime Identification Technology Act of 1998

(42 U.S.C. 14601), including for grants for law enforcement equipment for discretionary grants to States, Local units of Government, and Indian Tribes"

#### AMENDMENT NO. 1316

(Purpose: To credit reimbursements owed by the United Nations to the United States to reduce United States arrearage to the United Nations)

On page 81, line 25, insert the following after "reforms" ": *Provided further*, That any additional amount provided, not to exceed \$107 million, which is owed by the United Nations to the United States as a reimbursement, including any reimbursement under the Foreign Assistance Act of 1961 or the United Nations Participation act of 1945, that was owned to the United States before the date of enactment of this Act shall be applied or used, without fiscal year limitation, to reduce any amount owned by the United States to the United Nations, except that any such reduction pursuant to the authority in this paragraph shall not be made unless expressly authorized by the enactment of a separate Act that makes payment of arrearages contingent upon United Nations reform".

#### AMENDMENT NO. 1317

At the end of title IV, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available in this Act for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet.

#### AMENDMENT NO. 1318

At the end of title I, insert the following: "SEC. \_\_\_\_\_. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953 (8 U.S.C. 1356(q)(1)(A)), as amended, is further amended—

- (a) by deleting clause (ii);
- (2) by renumbering clause (iii) as (ii); and
- (3) by striking ", until September 30, 2000," in clause (iv) and renumbering that clause as (iii)".

#### AMENDMENT NO. 1319

(Purpose: Expressing the sense of the Senate regarding Iran)

On page 111, between lines 7 and 8, insert the following:

SEC. 620. (a) FINDINGS.—The Senate makes the following findings:

(1) Iran has been designated as a state sponsor of terrorism by the Secretary of State and continues to be among the most active supporters of terrorism in the world.

(2) According to the State Department's annual report entitled "Patterns of Global Terrorism", Iran supports Hizballah, Hamas, and the Palestinian Islamic Jihad, terrorist organizations which oppose the Middle East peace process, continue to work for the destruction of Israel, and have killed United States citizens.

(3) A United States district court ruled in March 1998 that Iran should pay \$247,000,000 to the family of Alisa Flatow, a United States citizen killed in a bomb attack orchestrated by the Palestinian Islamic Jihad in Gaza in April 1995.

(4) The Government of Iran continues to maintain a repressive political regime in which the civil liberties of the people of Iran are denied.

(5) The State Department Country Report on Human Rights states that the human

rights record of the Government of Iran remains poor, including "extra judicial killings and summary executions; disappearances; widespread use of torture and other degrading treatment; harsh prison conditions; arbitrary arrest and detention; lack of due process; unfair trials; infringement on citizen's privacy; and restrictions on freedom of speech, press, assembly, association, religion, and movement".

(6) Religious minorities in Iran have been persecuted solely because of their faith, and the Government of Iran has detained 13 members of Iran's Jewish community without charge.

(7) Recent student-led protests in Iran were repressed by force, with possibly five students losing their lives and hundreds more being imprisoned.

(8) The Government of Iran is pursuing an aggressive ballistic missile program with foreign assistance and is seeking to develop weapons of mass destruction which threaten United States allies and interests.

(9) Despite the continuation by the Government of Iran of repressive activities in Iran and efforts to threaten United States allies and interests in the Near East and South Asia, the President waived provisions of the Iran and Libya Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) intended to impede development of the energy sector in Iran.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President should condemn in the strongest possible terms the failure of the Government of Iran to implement genuine political reforms and protect the civil liberties of the people of Iran, which failure was most recently demonstrated in the violent repression of student-led protests in Teheran and other cities by the Government of Iran;

(2) the President should support democratic opposition groups in Iran more aggressively;

(3) the detention of 13 members of the Iranian Jewish community by the Government of Iran is a deplorable violation of due process and a clear example of the policies of the Government of Iran to persecute religious minorities; and

(4) the decision of the President to waive provisions of the Iran and Libya Sanctions Act of 1996 intended to impede development of the energy sector in Iran was regrettable and should be reversed as long as Iran continues to threaten United States interests and allies in the Near East and South Asia through state sponsorship of terrorism and efforts to acquire weapons of mass destruction and the missiles to deliver such weapons.

#### AMENDMENT NO. 1320

(Purpose: To provide additional funding for law enforcement programs regarding hate crimes)

#### SECTION 1. HATE CRIMES.

(a) DECLARATIONS.—Congress declares that—

(1) further efforts must be taken at all levels of government to respond to the staggering brutality of hate crimes that have riveted public attention and shocked the Nation;

(2) hate crimes are prompted by bias and are committed to send a message of hate to targeted communities, usually defined on the basis of immutable traits;

(3) the prominent characteristic of a hate crime is that it devastates not just the actual victim and the victim's family and

friends, but frequently savages the community sharing the traits that caused the victim to be selected;

(4) any efforts undertaken by the Federal Government to combat hate crimes must respect the primacy that States and local officials have traditionally been accorded in the criminal prosecution of acts constituting hate crimes; and

(5) an overly broad reaction by the Federal Government to this serious problem might ultimately diminish the accountability of State and local officials in responding to hate crimes and transgress the constitutional limitations on the powers vested in Congress under the Constitution.

(b) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF HATE CRIME.—In this paragraph, the term “hate crime” means—

(i) a crime described in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note); and

(ii) a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall select 10 jurisdictions with laws classifying certain types of crimes as hate crimes and 10 jurisdictions without such laws from which to collect data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data to be collected are—

(i) the number of hate crimes that are reported and investigated;

(ii) the percentage of hate crimes that are prosecuted and the percentage that result in conviction;

(iii) the length of the sentences imposed for crimes classified as hate crimes within a jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no hate crime laws; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data under this paragraph.

(2) STUDY OF TRENDS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States and the General Accounting Office shall complete a study that analyzes the data collected under paragraph (1) and under the Hate Crime Statistics Act of 1990 to determine the extent of hate crime activity throughout the country and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States and the General Accounting Office shall identify any trends in the commission of hate crimes specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number of hate crimes that are prosecuted and the number for which convictions are obtained.

(c) MODEL STATUTE.—

(1) IN GENERAL.—To encourage the identification and prosecution of hate crimes throughout the country, the Attorney General shall, through the National Conference

of Commissioners on Uniform State Laws of the American Law Institute or another appropriate forum, and in consultation with the States, develop a model statute to carry out the goals described in subsection (a) and criminalize acts classified as hate crimes.

(2) REQUIREMENTS.—In developing the model statute, the Attorney General shall—

(A) include in the model statute crimes that manifest evidence of prejudice; and

(B) prepare an analysis of all reasons why any crime motivated by prejudice based on any traits of a victim should or should not be included.

(d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.—

(1) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation, shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(ii) constitutes a felony under the laws of the State; and

(iii) is motivated by prejudice based on the victim's race, ethnicity, or religion or is a violation of the State's hate crime law.

(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State.

(2) GRANTS.—

(A) IN GENERAL.—There is established a grant program within the Department of Justice to assist State and local officials in the investigation and prosecution of hate crimes.

(B) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this paragraph shall—

(i) describe the purposes for which the grant is needed; and

(ii) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute the hate crime.

(C) DEADLINE.—An application for a grant under this paragraph shall be approved or disapproved by the Attorney General not later than 24 hours after the application is submitted.

(D) GRANT AMOUNT.—A grant under this paragraph shall not exceed \$100,000 for any single case.

(E) REPORT.—Not later than December 31, 2001, the Attorney General, in consultation with the National Governors' Association, shall submit to Congress a report describing the applications made for grants under this paragraph, the award of such grants, and the effectiveness of the grant funds awarded.

(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$5,000,000 for each of fiscal years 2000 and 2001.

(e) INTERSTATE TRAVEL TO COMMIT HATE CRIME.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“§ 249. Interstate travel to commit hate crime

“(a) IN GENERAL.—A person, whether or not acting under color of law, who—

“(1) travels across a State line or enters or leaves Indian country in order, by force or threat of force, to willfully injure, intimi-

date, or interfere with, or by force or threat of force to attempt to injure, intimidate, or interfere with, any person because of the person's race, color, religion, or national origin; and

“(2) by force or threat of force, willfully injures, intimidates, or interferes with, or by force or threat of force attempts to willfully injure, intimidate, or interfere with any person because of the person's race, color, religion, or national origin, shall be subject to a penalty under subsection (b).

“(b) PENALTIES.—A person described in subsection (a) who is subject to a penalty under this subsection—

“(1) shall be fined under this title, imprisoned not more than 1 year, or both;

“(2) if bodily injury results or if the violation includes the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title, imprisoned not more than 10 years, or both; or

“(3) if death results or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill—

“(A) shall be fined under this title, imprisoned for any term of years or for life, or both; or

“(B) may be sentenced to death.”.

(2) TECHNICAL AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Interstate travel to commit hate crime.”.

AMENDMENT NO. 1321

(Purpose: To improve fishery management)

At the appropriate place, insert the following:

**SEC. XX. NEW ENGLAND FISHERY MANAGEMENT COUNCIL.**

Section 302(a)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(A)) is amended—

(1) by striking “17” and inserting “18”; and

(2) by striking “11” and inserting “12”.

AMENDMENT NO. 1322

(Purpose: To authorize a place for holding court in New York, to authorize the consolidation of clerks offices in West Virginia, and to direct the provision of space for a senior judge's chambers in Utah)

At the appropriate place in the bill, insert:

**SEC. XX. PLACE OF HOLDING COURT AT CENTRAL ISLIP, NEW YORK.**

The second paragraph of Section 112(c) of title 28, United States Code is amended to read—

“Court for the Eastern District shall be held at Brooklyn, Hauppauge, Hempstead (including the village of Uniondale), and Central Islip.”

**SEC. XX. WEST VIRGINIA CLERK CONSOLIDATION APPROVAL.**

Pursuant to the requirements of Section 156(d) of title 28, United States Code, Congress hereby approves the consolidation of the office of the bankruptcy clerk with the office of the district clerk of court in the Southern District of West Virginia.

**SEC. XX. SENIOR JUDGE'S CHAMBERS IN PROVO, UTAH.**

The Internal Revenue Service is directed to vacate sufficient space in the Federal Building in Provo, Utah as soon as practicable to provide space for a senior judge's chambers in that building. The General Services Administration is directed to provide interim space for a senior judge's chambers in

Provo, Utah and to complete a permanent senior judge's chambers in the Federal Building located in that city as soon as practicable.

AMENDMENT NO. 1323

(Purpose: To increase funding for SBA Microloan Technical Assistance)

In the Salaries and Expense Account of the Small Business Administration, insert at the end of the paragraph:

"Provided further, That \$23,200,000 shall be available to fund grants for Microloan Technical Assistance as authorized by section 7(m) of the Small Business Act."

AMENDMENT NO. 1324

(Purpose: To enhance Federal enforcement of hate crimes, and for other purposes.)

At the appropriate place, insert the following:

**TITLE —HATE CRIMES PREVENTION**

**SEC. —01. SHORT TITLE.**

This title may be cited as the "Hate Crimes Prevention Act of 1999".

**SEC. —02. FINDINGS.**

Congress finds that—

(1) the incidence of violence motivated by the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem;

(2) such violence disrupts the tranquility and safety of communities and is deeply divisive;

(3) existing Federal law is inadequate to address this problem;

(4) such violence affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity;

(5) perpetrators cross State lines to commit such violence;

(6) instrumentalities of interstate commerce are used to facilitate the commission of such violence;

(7) such violence is committed using articles that have traveled in interstate commerce;

(8) violence motivated by bias that is a relic of slavery can constitute badges and incidents of slavery;

(9) although many State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias, Federal jurisdiction over certain violent crimes motivated by bias is necessary to supplement State and local jurisdiction and ensure that justice is achieved in each case;

(10) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes;

(11) the problem of hate crime is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions; and

(12) freedom of speech and association are fundamental values protected by the first amendment to the Constitution of the United States, and it is the purpose of this title to criminalize acts of violence, and threats of violence, carried out because of the actual or perceived race, color, religion,

national origin, gender, sexual orientation, or disability of the victim, not to criminalize beliefs in the abstract.

**SEC. —03. DEFINITION OF HATE CRIME.**

In this title, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

**SEC. —04. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.**

Section 245 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c)(1) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both if—

"(i) death results from the acts committed in violation of this paragraph; or

"(ii) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2)(A) Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived religion, gender, sexual orientation, or disability of any person—

"(i) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both, if—

"(I) death results from the acts committed in violation of this paragraph; or

"(II) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce; or

"(ii) the offense is in or affects interstate or foreign commerce.

"(3) No prosecution of any offense described in this subsection may be undertaken by the United States, except upon the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

"(A) he or she has reasonable cause to believe that the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

"(B) that he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

"(i) the State does not have jurisdiction or refuses to assume jurisdiction;

"(ii) the State has requested that the Federal Government assume jurisdiction; or

"(iii) actions by State and local law enforcement officials have or are likely to leave demonstratively unvindicated the Federal interest in eradicating bias-motivated violence."

**SEC. —05. DUTIES OF FEDERAL SENTENCING COMMISSION.**

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

**SEC. —06. GRANT PROGRAM.**

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. —07. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.**

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2000, 2001, and 2002 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 245 of title 18, United States Code (as amended by this title).

**SEC. —08. SEVERABILITY.**

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Mr. HATCH. Mr. President, I am committed in my view that the Senate must lead and speak against hate crimes.

Many of America's greatest strides in civil rights progress took place during recent generations—from Congress' protection of Americans from employment discrimination on the basis of race, sex, color, religion and national

origin with the passage of the Civil Rights Act of 1964, to the protection of the disabled with the passage of the Americans with Disabilities Act in 1990, and many other important pieces of legislation.

However, while America's elected officials have striven mightily through the passage of such measures to stop discrimination in the workplace, or to the hands of government actors, what remains tragically unaddressed in large part is discrimination against peoples' own security—that most fundamental right to be free from physical harm.

Despite our best efforts, discrimination continues to persist in many forms in this country, but most sadly in the rudimentary and malicious form of violence against individuals because of their identities.

As much as we condemn all crime, hate crime can be more sinister than non-hate crime. A crime committed not just to harm an individual, but out of the motive of sending a message of hatred to an entire community—often-times a community defined on the basis of immutable traits—is appropriately punished more harshly, or in a different manner, than other crimes. Moreover, hate crimes are more likely to provoke retaliatory crimes; they inflict deep, lasting and distinct injuries—some of which never heal—on victims and their family members; they incite community unrest; and, ultimately, they are downright un-American.

I am resolute in my view that the federal government can play a valuable role in responding to hate crime. One example here is my sponsorship of the Hate Crime Statistics Act of 1990, another is the passage in 1996 of the Church Arson Protection Act.

Given the seriousness of our objective to eradicate hate crime, it is imperative that any measure abide by the constitutional limitations imposed on Congress, and be cognizant of the limitations on Congress' enumerated powers that are routinely enforced by the courts. This is more true today than it would have been even a mere decade ago, given the significant revival by the U.S. Supreme Court of the federalism doctrine in a string of decisions beginning in 1992.

I have therefore proposed a response to hate crimes that is not only as effective as possible, but that carefully navigates the rocky shoals of these court decisions. To that end, I have prepared a measure that I believe will be not only an effective one, but one that would avoid altogether the constitutional risks that attach to other possible federal responses that have been raised.

There are four principal components to my approach:

First, it creates a meaningful partnership between the federal govern-

ment and the states in combating hate crime, by establishing within the Justice Department a fund to assist state and local authorities in investigating and prosecuting hate crime. Much of the cited justification given by those who advocate broad federal jurisdiction over hate crimes is a lack of adequate resources at the state and local level.

Accordingly, before we take the step of making every criminal offense motivated by a hatred of someone's immutable traits a federal offense, it is imperative that we equip states and localities with the resources necessary so that they can undertake these criminal investigations and prosecutions on their own.

Second, my approach undertakes a comprehensive analysis of the raw data that has been collected pursuant to the 1990 Hate Crime Statistics Act, including a comparison of the records of different jurisdictions—some with hate crime laws, others without—to determine whether there is, in fact, a problem in certain states' prosecution of those criminal acts constituting hate crimes.

Third, my approach directs an appropriate, neutral forum to develop a model hate crimes statute that would enable states to evaluate their own laws, and adopt—in whole or in part from the model statute—hate crime legislation at the state level.

One of the arguments cited for a federalization of enforcement is the varying scope and punitive force of state laws. Yet there are many areas of grave national concern—such as drunk driving, by way of example—that are appropriately left to the states for criminal enforcement and punishment.

Before we make all hate crimes federal offenses, I believe we should pursue avenues that advance consistency among the states through the voluntary efforts of their legislatures. Perhaps, upon completion of this model hate crime law, Congress will review its recommendation and consider additional ways to promote uniformity among the states.

Fourth, my proposal makes a long-overdue modification of our existing federal hate crime law (passed in 1969) to allow for the prosecution by federal authorities of those hate crimes that are classically within federal jurisdiction—that is, hate crimes in which state lines have been crossed.

I believe that passage of this comprehensive measure will prove a strong antidote to the scourge of hate crimes.

It is no answer for the Senate to sit by silently while these crimes are being committed. The ugly, bigoted, and violent underside of some in our country that is reflected by the commission of hate crimes must be combated at all levels of government.

For some, federal leadership necessitates federal control. I do not subscribe to this view, especially when it

comes to this problem. It has been proposed by some that to combat hate crime Congress should enact a new tier of far-reaching federal criminal legislation. That approach strays from the foundations of our constitutional structure—namely, the first principles of federalism that for more than two centuries have vested states with primary responsibility for prosecuting crimes committed within their boundaries.

As important as this issue is, there is little evidence such a step is warranted, or that it will do any more than what I have proposed. In fact, one could argue that national enforcement of hate crime could decrease if states are told the federal government has assumed primary responsibility over hate crime enforcement.

Accordingly, we must lead—but lead responsibly—recognizing that we live in a country of governments of shared and divided responsibilities.

I encourage this body to question the dogma that federal leadership must include federal control, and I encourage this body to act anew by supporting a proposal that is far-reaching in its efforts to stem hate crime, and that is at the same time respectful of the primacy states have traditionally enjoyed in prosecuting crimes committed within their boundaries.

My proposal should unite all of us on the one point about which we should most fervently agree—that the Senate must speak firmly and meaningfully in denouncing as wrong in all respects those actions we have increasingly come to know as hate crimes. Our continued progress in fighting to protect Americans' civil rights demands no less.

I take note that there are now two different hate crime measures that have been accepted by the Senate. It is my hope that the conference will consider the Hatch amendment's approach to be the wiser and the more responsible, and accordingly adopt it. Alternatively, however, it is my hope that some accord might be reached between the two versions that respects the constitutional and federalism boundaries I have discussed, and to the extent it is not, I may choose to pursue adoption of my measure through the Judiciary Committee.

Mr. SMITH of Oregon. Mr. President, as a member of the Foreign Relations Committee I have spoken out against hate crimes of many kinds and in many lands. For that reason I cannot be silent at home. I believe that government's first duty is to defend its citizens. To defend them against the harms that come out of hate. To defend them regardless of their status, be they female, disabled or gay. The Hate Crimes Prevention Act is now a symbol that can become substance. By changing this law we can change hearts and minds as well.

The law is a teacher and we should teach our fellow citizens that all crime is hateful. But we can also teach that some crime is so odious that an extra measure of prosecution is demanded by us, so that it will never again be repeated among us.

Never again should we in the federal government withhold our help or stand idly by when a Matthew Shepard is tied to a fence, beaten and left to die because he is gay. Never again should we defer to others when one James Byrd, Jr. is dragged to his death because he is black. No, in these cases and in too many more, the Federal Government must have the power to persuade, to pursue and to prosecute when hate is the motive of violence against American victims, no matter their state, no matter their minority or vulnerability.

Mrs. MURRAY. Mr. President, I rise today in support of the amendment to protect Americans from hate crimes. It is unfortunate that the amendment's chief sponsor, Senator TED KENNEDY, couldn't be here to take part in this debate. Senator KENNEDY has worked tirelessly to enact this crucial piece of legislation. He has my heartfelt appreciation for his work on this and my sympathy for the loss of his nephew. I can't possibly match his passion and eloquence on this issue, but I am here today to discuss and support his amendment on hate crimes prevention.

Hate crime is real. Despite great gains in equality and civil rights over the later part of this century, hate crimes are still being committed. Those who commit these heinous crimes must be punished.

We all remember Matthew Shepard. He was a young man who just last fall was viciously struck down in the prime of his life. Tragically, he is now a reminder of what happens when he do not stand up to hate and bigotry. We must treat hate crimes as the deadly threat they are and do more to prevent them. These are not simply assaults. They are violent crimes motivated by hate and bigotry.

Passing this amendment gives us more tools to fight hate. I am pleased to join with many of my colleagues as a co-sponsor of this important legislation. The amendment would expand the definition of a hate crime and improve prosecution of those who act out their hate with violence. If someone harms another because of the victim's race, gender, color, religion, disability or sexual orientation, they will be punished. No longer will the activity of the victim matter, but the actions and motivations of the perpetrator will be the focus. It is important to note that the prosecutor would still have to convince a jury beyond a reasonable doubt that the criminal act was motivated by prejudice.

No one can beat a person to death and leave them to die without being motivated by a deep sense of hate. In

the case of Matthew Shepard, it was no simply robbery. The motive was hate.

I know some of my colleagues argue that the states are doing an adequate job of handling hate crimes on their own. I commend them for their efforts, but I believe the federal government has a further role in this as well. We already prosecute at the federal level many crimes that are motivated by prejudice. We need to strengthen these federal hate crimes laws and increase the role of the federal government in ending this violence. It wasn't that many years ago that we stood up for equality and justice by forcing the states and private citizens to end segregation and discrimination. Now we must do the same for hate crimes against any of our citizens.

I ask that my statement appear in the RECORD immediately following the text of the hate crimes amendment.

Mrs. FEINSTEIN. Mr. President, I join with my colleagues in expressing my strong support for the Hate Crimes Prevention Amendment, legislation of which I am a cosponsor.

The Hate Crimes Prevention Amendment is urgently needed to compensate for two limitations in the current law. First, the current federal hate crimes law covers only crimes motivated by bias on the basis of race, color, religion or national origin. As a result, federal authorities cannot prosecute individuals who commit violent crimes against others because of their sexual orientation, gender, or disability.

In addition, current law limits federal hate crime prosecutions to instances in which the victims was targeted because he or she was exercising one of six narrowly defined federally-protected activities (such as serving on a jury, attending a public school, eating at a restaurant or lodging at a hotel). As a result, the law does not reach many cases where individuals kill or injure others because of racial or religious hatred.

The Hate Crimes Amendment would remedy the glaring gaps and inadequacy of the current law by broadening the federal jurisdiction to cover all violent crimes motivated by racial or religious hatred, regardless of whether the victim was exercising a federally protected right. It would also include sexual orientation, gender and disability to the list of protected categories within current federal hate crime law, provided there is a sufficient connection with interstate commerce.

At the same time, federal involvement would only come into play if the Attorney General certifies that a federal prosecution is necessary to secure substantial justice. In recent years, the existing federal hate crimes law has been used only in carefully selected cases where the state criminal justice system did not achieve a just result.

What does this mean? It means that crimes based on race, color, religion or

national origin would be covered under the federal hate crimes law whenever the defendant causes bodily injury, or through the use of fire, a firearm, or an explosive, attempts to cause injury.

Crimes based on sexual orientation, gender or disability would be limited to the same types of violent crimes, but only if the crime has a sufficient connection with interstate commerce.

In all cases, the prosecution would have to show that the crime was motivated in part by the actual or perceived sexual orientation, gender, or disability of the victim—and this would be a matter for the jury to determine.

As would be the case for every element of a criminal offense, federal prosecutors would have to prove motivation beyond a reasonable doubt. In all cases, these prosecutions would present evidence that a motivating factor in the crime was bias against a particular group.

Hate crimes in these cases would carry a heavy penalty. Persons who cause bodily injury to another, or, through the use of fire, firearms, or explosives, attempts to cause bodily injury in the furtherance of a hate crime would face imprisonment up to 10 years. If the hate crime results in death or the offense included kidnapping, aggravated sexual abuse or an attempt to kill, the convicted offender could face life imprisonment.

Mr. President, for many years I have been deeply concerned about hate crimes and the immeasurable impact they have on victims, their families and our communities. In 1993, I sponsored the Hate Crimes Sentencing Enhancement Act, which was signed into law in 1994 as a part of the Violent Crime Control and Law Enforcement Act of 1994. The Act increased the penalties for hate crimes directed at individuals because of their perceived race, color, religion, national origin, gender, disability or sexual orientation.

Today, I believe the Hate Crimes Prevention Amendment, builds on this effort by modifying the current law to allow the federal government to provide the vital assistance to states in investigating of crimes of this magnitude.

This legislation is long overdue, Mr. President. The brutal murders last year of an African American, James Byrd, in Texas; a gay man, Matthew Shepard, in Wyoming; and the murderous rampage in Littleton, Colorado earlier this year vividly portray why this legislation is so urgently needed.

Just recently, our nation awakened to the news of drive-by shooting attacks on Jews, and African-American, and Asian-Americans in Chicago, Illinois. These shootings were the despicable acts of virulent hatred. Undoubtedly these crimes have affected so many lives beyond its immediate victims.



Two weeks before the shootings, three synagogues were torched in Sacramento, California, sending shock waves throughout the Jewish community in America.

Sadly, hate crimes are becoming too commonplace in America. According to the U.S. Department of Justice, in 1997, the last year for which we have statistics, 8,049 hate crime incidents were reported in the United States. That is almost one such crime per hour. Within these incidents, there were 10,255 victims of these crimes.

Of that total, 4,710 or 58.5% of the crime were committed on account of the victim's race. Of these reported crimes, there were almost 1,300 victims of anti-black crimes; 649 victims of anti-Hispanic crimes; and 466 victims of anti-Asian crimes.

In that same year, 1,385 or roughly 17% of the victims were targeted because of their religious affiliation. The number of anti-Jewish incidents is second only to those against blacks and far exceeds offenses against all other religious groups combined. Moreover, while by most accounts anti-Semitism in America has declined dramatically over the years, the level of violence is escalating.

The FBI reports that crimes against gays, lesbians and bisexuals ranked third in reported hate crimes in 1997, registering 1,102 or 13.7% of reported incidents. And, gender-motivated violence occurs in our country at alarming rates. According to the Leadership Conference on Civil Rights, "society is beginning to realize that many assaults against women are not 'random' acts of violence but are actually bias-related crimes."

In addition, according to the California Attorney General, more than 1,800 of the 8,000 hate crimes reported by the FBI were committed in California. That's a shocking number when one considers the motivation behind a hate crime. These are truly among the ugliest of crimes, in which the perpetrator thinks the victim is less of a human being because of his or her gender, skin color, religion, sexual orientation or disability.

By enacting this legislation, federal prosecutors will be able to work in full partnership with their state counterparts. In Wyoming, despite clear evidence that the killing of Matthew Shepard was motivated by bigotry against homosexuals, federal authorities lacked jurisdiction to assist state and local authorities in investigating the case.

It is imperative, therefore, that Congress move swiftly to address this situation and enact this legislation. Although the Byrd and Shepard, as well as the Littleton and Chicago atrocities, all have shocked the conscience of our nation, many hate crimes happen daily in our communities and do not receive national exposure and universal condemnation.

For example, an 18-year-old San Francisco youth was savagely attacked and beaten after a recent athletic event between St. Ignatius College Preparatory School and Sacred Heart Cathedral Preparatory School. During the beating, his attackers yelled racial slurs at him. Just a few days later, a 17-year-old senior at San Marin High School was beaten outside his school in Novato, a derogatory word regarding his presumed sexual orientation was etched into his arm with a pen.

And, in an especially disturbing case in Ventura, California, four skinheads attacked a Latino couple and an African-American couple returning from a high school homecoming date. Singing, and then shouting racial epithets, the skinheads followed the two couples and threw a brick at the head of the African-American teenager. When the students tried to drive away, the skinheads kicked the car and beat it with a baseball bat, causing \$2,000 in damage.

These recent cases show far more vividly than I can express here today why we need this legislation now more than ever.

This amendment does not create any "special interests." Hate crimes are not just the concern of any one race, one gender, or one segment of society. The victims of these types of attacks are black and white, young and old, gay and straight, mother and son, father and daughter. Most importantly, they are all human beings whom other human beings loved and depended on. No one, no matter where he lives or to what group she belongs can be certain who will suffer from senseless acts of violence sparked by bigotry, hatred and prejudice.

History is replete with instances in which mindless fear, ignorance and prejudice propel unspeakable acts of inhumanity. There is a great monument to this in this very city: the Holocaust Museum. The Holocaust Museum serves as a stark and cogent reminder of how unchecked hatred can spiral into the genocide of countless millions of Jews and others who were singled out by Nazi Germany for no other reason than that they were different.

Unfortunately, Mr. President, as recent events suggest, we do not have to look back sixty years to find example of inhumanity fostered by hate. We can look across the oceans to Kosovo, where the consequences of "ethnic cleansing," mass rapes, and rampant crime, all point to the utter disregard for life and human dignity.

Mr. President, American values do not include attacking those who are "different" or those with whom we disagree. No one here can reasonably argue that violently attacking a person because of his or her race, gender, disability, or sexual orientation is an acceptable form of behavior.

No one here can reasonably argue that protecting American values should not include protecting women, disabled persons, or gays and lesbians from hate crimes.

And no one here today need fear a breakdown of society simply because we extend Federal protection from acts of violent prejudice to those members of our society who currently face such an extraordinary threat of hate violence.

Instead, as Americans, we value the freedom to be individuals. We value the freedom to express ourselves peacefully. And, above all, Mr. President, we value freedom from fear and tyranny.

And, what we must take from the experience of World War II and Kosovo is that our nation must never sit still and permit acts of hatred to go unpunished and undeterred.

That is why, if we truly want to defend American values, we should work to give our citizens protection from those who would do them harm simply based upon their race, gender, disability or sexual orientation.

And, the Hate Crimes Prevention Amendment aims to send a message to our nation and the world that the singling out of an individual because of race, religion, sexual orientation, gender or disability will not go unnoticed or unpunished.

The Hate Crimes Prevention Amendment will make certain that those who commit violent acts because someone is of the "wrong gender, religion, race, sexual orientation, or disability" will be prosecuted because everyone, I repeat, everyone has a right to be free from violence and fear when they are going to school, work, travel, or doing something as simple as going to a movie.

Mr. President, I urge adoption of the Hate Crimes Prevention Amendment, which includes this important measure. I also urge the conferees on the Commerce, Justice, States appropriations bill to maintain this position during the conference. All Americans, and our future generations, deserve no less.

Mr. SCHUMER. When we passed the first Hate Crimes Law there were those who said that it was unnecessary and that hate crimes were overblown.

Then came the news of James Byrd in Texas, Matthew Shepard in Wyoming, William Gaither in Alabama, Gary Matson and Scott Mowder in California—young men who were victims of crimes that desecrate America.

Today's debate goes back to our original fight. Does this Congress believe that there are those in America who are motivated by hate? Does this Congress believe that there is more that can be done to condemn, prosecute and prevent violent hate? Or do we believe—even after James Byrd, even after Matthew Shepard, even after William Gaither, even after Gary Matson and Scott Mowder—that Hate Crimes are overblown?

Since we started keeping statistics in 1991 the FBI has documented over 50,000 hate crimes. But they could prosecute only 37 because the current law is too narrow.

The Kennedy bill completes the law. It gives it teeth. The Kennedy bill adds sexual orientation to hate crimes, an omission that has sent a message to those who feed off hate, that bigotry against gays and lesbians is somehow less wrong than bigotry against blacks, latinos and Jews.

It removes the civil rights test which gives prosecutors the chance to put violent bigots behind bars.

As a nation, we have divergent political views but we are bound by our commitment to punish acts of bigotry against African Americans, Latinos, Jews, and yes—lesbians and gays.

This is a bill that will bring this nation together. This is a bill that will make people proud.

The only people who need fear the Kennedy bill are those whose private hatreds manifests itself in violent rage against the innocent.

Mr. LEVIN. Mr. President, over the Fourth of July weekend, the nation was stunned by the actions of a single young man on a racially motivated killing spree. The man's name was Benjamin Smith, and it seems clear, he spent his short life consumed by hatred. Because of this hatred, the nation mourns the death of a former University of Detroit and Western Michigan University basketball coach Ricky Byrdsong and doctoral student Won-Joon Yoon, both the victims of hate crime.

Benjamin Smith was just one of many who unleashed his hate onto others through violence. According to FBI statistics, at least one hate crime occurs every hour in the United States. That means at least one violent crime each hour is motivated by bias. Hate crimes have no place in a society founded on tolerance and equality. There must be a clear message to hate-mongers like Benjamin Smith, that the federal government will do everything in its power so that the perpetrators of bias crimes will be investigated, prosecuted and punished as quickly as possible. But the federal government is limited to a certain extent in its ability to assist state and local prosecutors in their investigations of hate crime.

That's why I am pleased to be an original cosponsor of the Hate Crimes Protection Act, a bill which would amend the existing federal hate crimes law and expand the federal government's role in the investigation and prosecution of bias-inspired conduct. The federal government has always had a special role in stifling violence and discriminatory treatment. This Act continues in that tradition by strengthening federal authority to ensure that racially-motivated criminals are prosecuted to the full extent of the law.

This amendment would also expand the definition of hate crime, which now only pertains to the victim's race, color, religion and natural origin, to include discrimination based on sexual orientation, gender, and disability. By expanding the definition of hate crime, the nation sends a clear message that it will not tolerate any violent crime, especially targeted at those who have traditionally been more vulnerable to violence.

The Hate Crimes Prevention Act has the support of over 100 civil rights and law enforcement organizations, as well as a broad range of state and local government associations, and state Attorneys General. These groups, who work with the victims of hate crimes on a daily basis, understand that violent hate crimes, not only affect the victim's family, but are injurious to the entire community. Because hate crimes have a such a deep impact on society, these civil rights and law enforcement organizations support the Hate Crimes Prevention Act, and the role it gives the federal government in ensuring that perpetrators of bias crime are subject to enhanced prosecutions and penalties.

I am pleased to join a distinguished list of cosponsors on this amendment and I urge my colleagues to support the passage of this Act and take a stand against hate crime.

Mr. JEFFORDS. Mr. President, I rise today in support of the Hate Crimes Prevention Act as an amendment to the Commerce, Justice, State and Judiciary Fiscal Year 2000 bill.

This legislation will provide the Federal Government a needed tool to combat the destructive impact of hate crimes on our society. The amendment also recognizes that hate crimes are not just limited to crimes committed because of race, color, religion, or national origin, but are also directed at individuals because of their gender, sexual orientation or disability.

Mr. President, any crime hurts our society, but crimes motivated by hate are especially harmful. This amendment would take two important steps to strengthen existing Federal hate crimes law.

First, the amendment would expand the situations when the Department of Justice can prosecute defendants for violent crimes based on race, color, religion or national origin. Second, the amendment would authorize the Department of Justice to prosecute individuals who commit violent crimes against others because of a victim's disability, gender, or sexual orientation provided there is a sufficient connection with interstate commerce.

Many states, including my state of Vermont, have already passed strong hate crimes laws, and I applaud them in this endeavor. An important principle of this amendment is that it allows for Federal prosecution of hate

crimes without impeding the rights of states to prosecute these crimes.

Federal prosecutions under this amendment would still be subject to the current provision of law that requires the Attorney General or another senior official of the Justice Department to certify that a federal prosecution is necessary to secure substantial justice. Mr. President, such a requirement under current law has ensured that states are the primary adjudicators of the perpetrators of hate crimes, not the Federal government.

This has meant that in recent years the existing Federal hate crimes law has been used only in carefully selected cases. For example, there have been an average of only 5.2 prosecutions per year under current law from Fiscal Year 1990 through Fiscal Year 1996.

Additionally, Federal authorities will consult with State and Local law enforcement officials before initiating an investigation or prosecution. Both of these are important provisions to ensure that we are not infringing on the rights of States to prosecute crimes.

Mr. President, the Senate has an opportunity today to take a strong stand against hate crimes, and I urge them to do so by supporting this important legislation.

Mr. WYDEN. Mr. President, the amendment seeks to deter violent crime borne out of prejudice and hatred. Since 1991, almost 50,000 hate crimes have been voluntarily reported to the FBI. More than 8,000 were reported in 1997 alone, and many more probably occurred.

I am of the view that violent hate crimes stain our national greatness. This amendment cannot erase the stain entirely, but it is a step toward removing the immunity from prosecution that perpetrators have enjoyed for too long.

The amendment will close the loopholes in current federal hate crimes law and remove the straightjacket from local law enforcement so they can get federal help when they need it.

The amendment does three things:

First, it would remove restrictions on the types of situations in which the Justice Department can prosecute defendants for violent crimes based on race, color, religion or national origin.

Second, it would assure that crimes targeted against victims because of disability, gender or sexual orientation that cause death or bodily injury can be prosecuted if there is a sufficient connection to interstate commerce.

Third, it would require the Attorney General to certify in writing that she had consulted with State and local law enforcement and that they had asked for federal help, or did not have jurisdiction or, as in current law, that federal prosecution is necessary to secure substantial justice in eradicating hate-based crimes.

Under current law, the Justice Department can prosecute crimes motivated by race, religion and ethnicity only if two tests are satisfied. First, DoJ must prove bias was the motive. Second, DoJ must prove the perpetrator intended to prevent the individual from doing certain federally protected things, such as serving on a jury, enrolling or attending a public school, or applying for or enjoying employment.

Motive for the crime is a matter for the jury to determine. And, as is the case for every element of a criminal offense, DoJ would have to prove motive beyond a reasonable doubt. Motive plays the same rule under federal and state anti-discrimination laws as it does under the current federal hate crimes law. My amendment does not affect this.

It is the second test which has prevented the law from reaching many cases where individuals kill or injure others because of racial or religious hatred. In 1994, a jury acquitted 3 white supremacists who had assaulted 3 African-Americans. Jurors revealed after the trial that they felt racial animus had been established but not that the defendants intended to prevent the victims from participating in a federally protected activity. My amendment addresses this limitation.

Under my amendment, DoJ would still have to satisfy the first test and prove beyond a reasonable doubt that bias was involved. But in cases of crimes motivated by race, religion and ethnicity, DoJ would no longer be limited to those situations where the victim was engaged in or enjoying a federally protected activity.

In 1996, 88 current members of the Senate voted to support a similar provision in the Church Arson Prevention Act.

Under my amendment, federal involvement in prosecuting crimes based on sexual orientation, disability or gender AND where bodily injury or death result would be limited to those instances where the violent crime has a sufficient connection with interstate commerce.

This provision is critical for the 28 states that have no authority to prosecute bias-motivated crimes based on disability or sexual orientation, and for the 29 states that have no authority to prosecute bias-motivated crimes based on gender, like the Son of Sam serial killings in New York.

The amendment would provide two levels of penalties in all cases of hate crimes:

1. Imprisonment up to 10 years for persons who cause bodily injury, or through the use of fire, firearms or explosives, attempts to cause bodily injury; and

2. Imprisonment up to life if death results or if the offense includes kidnapping, aggravated sexual abuse or an

attempt to commit aggravated sexual abuse, or an attempt to kill.

Some believe that every crime is a hate crime. Every crime is tragic, but not all crime is based on hate. A hate crime occurs when the perpetrator intentionally chooses the victim because of who the victim is. A hate crime affects not only the victim but an entire community or group of people.

Some believe this amendment would provide special protection to certain groups. But it is perpetrators who intentionally single out victims because of who they are in an attempt to send a chilling message to society or others in that group of people.

Some argue that hate crimes laws threaten free speech. Hate crimes laws punish violent acts, not beliefs or thoughts, no matter how violent those thoughts or beliefs might be. Nothing in this amendment would prohibit or deny the lawful expression of one's deeply held religious beliefs. However, causing or attempting to cause bodily injury is clearly not protected speech.

Some have expressed concern that this amendment would federalize crimes that are better left to the states to address. Today, there is overlapping jurisdiction in the case of many homicides, bank robberies, kidnapping and fraud. Like these areas, when both federal and state hate crimes statutes apply, there will be no need for federal prosecution in the vast majority of cases.

The amendment will not invite a tsunami of new cases. In no one year since the first hate crime law was enacted in 1968 has there been more than 10 indictments. In fact, from 1992 to 1997, federal officials prosecuted only 33 cases, or an average of fewer than 6 hate crimes cases a year. Mr. Eric Holder testified that this amendment will only lead to "a modest increase in the number of cases." The significance of this amendment is to backstop state and local law enforcement by giving them extra tools to fight hate crime, not to open the floodgates to frivolous cases.

Even in states with broad hate crimes laws, the higher penalties available under federal statute, the complexity of the investigation, the procedural advantages of a federal prosecution, or the failure of a state prosecution may make federal prosecution desirable.

All but 8 states have hate crimes statutes, but only 21 cover sexual orientation, 22 cover gender and 21 cover disability. Despite the clear evidence that last year's brutal murder of Matthew Shepard was motivated by hatred of gays, federal authorities were unable to assist state and local authorities in investigating the case because Wyoming had no hate crime law and federal agencies lacked the authority.

Evidence indicates that hate crimes are under reported, but FBI statistics show that since 1991 hate crimes have

nearly doubled, with more than 8,000 reported in 1997. Race-related hate crimes were by far the most common, accounting for 60%. Hate crime based on religion accounted for 17%, and hate crimes against gays and lesbians, which jumped by 8% last year, accounted for 14% of all hate crimes reported.

The federal government has a long history in combating hate crimes:

In addition to the landmark civil rights laws of the 1960s,

In 1990, Congress passed the Hate Crime Statistics Act to keep track of hate crimes;

In 1994, Congress enacted the Hate Crimes Sentencing Enhancement Act to allow for increased sentences for offenses found beyond a reasonable doubt to be hate crimes; in 1994 Congress passed the Violence Against Women Act; and in 1996 Congress enacted the Church Arson Prevention Act.

Under the able leadership of Senator HATCH, the Judiciary Committee has held several hearings on the problem of hate crimes. In my view the record overwhelmingly established the need for this legislation.

As if we need any further evidence, we need only look to the Fourth of July weekend headlines describing brutal acts of violence aimed at Orthodox Jews, Asian-Americans, African-Americans and a gay couple in California.

We must correct the deficiencies in current law. Today, a crime motivated by race, religion or ethnic origin can be prosecuted by federal authorities because it occurred on a public sidewalk but not if it took place in the private parking lot across the street. This is wrong. I believe Congress must focus the full force of the federal government on investigating and prosecuting hate crimes.

The vote on this amendment will be a referendum on whether members will continue to tolerate violent acts borne of prejudice.

In closing, I would say to my colleagues that this is not a problem that needs further study. The evidence is in, and it is clear. We need to send a strong and unequivocal message that hate crimes will no longer be tolerated; that the full force of federal law enforcement will be brought to bear in prosecuting these violent acts.

I hope my colleagues will ask themselves the following question. If they have a child or know of a child who has a disability, a child who is gay, or who is a girl, and that child suffers bodily injury or worse, death, simply because of who he or she is, do you want that child to be just another statistic that is studied, or do you want the perpetrator to be prosecuted to the fullest extent allowed by the Hate Crimes Prevention Act?

AMENDMENT NO. 1325

(Purpose: To provide for a study on older individuals and crime)

At the end of title I, add the following:

SEC. . (a) In this section:

(1) The term "hate crime" has the meaning given the term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

(2) The term "older individual" means an individual who is age 65 or older.

(b) The Attorney General shall conduct a study concerning—

(1) whether an order individual is more likely than the average individual to be the target of a crime;

(2) the extent of crimes committed against older individuals; and

(3) the extent to which crimes committed against older individuals are hate crimes.

(c) Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report containing the results of the study.

Mr. GRAHAM. My amendment would require the Attorney General to conduct a study on crimes against older individuals no later than 180 days after the date of enactment of this legislation.

The population aged 65 years or older numbered 34.1 million in 1997 and will continue to grow as the baby boomer generation ages. These individuals are particularly vulnerable to crime.

Because they have made the determination that our large elderly population is susceptible to monetary scams and physical acts of intimidation, criminals defraud the elderly in areas ranging from telemarketing to health care fraud to securities and insurance.

Federal prosecutors and law enforcement officials throughout Florida are spending more and more of their time in efforts against the cheats, fly-by-night operators, and other criminals who are targeting the elderly for financial profit.

The losses suffered as a result of these crimes not only affect the elderly and their families but also squander resources for programs that provide services to millions of needy elderly Americans.

Mr. President, we can and must do better.

My amendment will require the Justice Department study to examine two vital issues: (1) whether an individual over 65 is more likely than the average individual to be the target of a crime; and (2) the extent of crimes committed against individuals over 65.

This amendment gives the Senate the opportunity to express its determination to protect this important segment of American society from criminals.

In his national bestseller, "The Greatest Generation," NBC news anchor Tom Brokaw discusses the heroics of the World War II generation and how they saved the world from tyranny. It would be a shame if the generation that protected us in its youth was allowed to become victims of scam artists and violent criminals in its later years.

Mr. President, this study will be a first step toward freeing older Ameri-

cans from the threat of crime. I urge all of my colleagues to support this important measure.

#### AMENDMENT NO. 1326

(Purpose: To extend temporary protected status for certain nationals of Liberia)

At the appropriate place in the bill, insert the following:

#### SEC. . EXTENSION OF TEMPORARY PROTECTED STATUS FOR CERTAIN NATIONALS OF LIBERIA.

(a) CONTINUATION OF STATUS.—Notwithstanding any other provision of law, any alien described in subsection (b) who, as of the date of enactment of this Act, is registered for temporary protected status in the United States under section 244(c)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(1)(A)(iv)), or any predecessor law, order, or regulation, shall be entitled to maintain that status through September 30, 2000.

(b) COVERED ALIENS.—An alien referred to in subsection (a) is a national of Liberia or an alien who has no nationality and who last habitually resided in Liberia.

#### AMENDMENT NO. 1327

(Purpose: To express the sense of the Senate with respect to promoting travel and tourism)

At the appropriate place in title II, insert the following:

#### SEC. 2 . SENSE OF SENATE WITH RESPECT TO PROMOTING TRAVEL AND TOURISM.

(a) FINDINGS.—Congress finds that—

(1) an effective public-private partnership of Federal, State, and local governments and the travel and tourism industry can successfully market the United States as the premiere international tourist destination in the world;

(2) the private sector, States, and cities currently spend more than \$1,000,000,000 annually to promote particular destinations within the United States to international visitors;

(3) other nations are spending hundreds of millions of dollars annually to promote the visits of international tourists to their countries, and the United States will miss a major marketing opportunity if it fails to aggressively compete for an increased share of international tourism expenditures as they continue to increase over the next decade;

(4) a well-funded, well-coordinated international marketing effort, combined with additional public and private sector efforts, would help small and large businesses, as well as State and local governments, share in the anticipated growth of the international travel and tourism market in the 21st century; and

(5) a long-term marketing effort should be supported to promote increased travel to the United States for the benefit of every sector of the economy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should enact this year, with adequate funding from available resources, legislation that would support international promotional activities by the United States National Tourism Organization to help brand, position, and promote the United States as the premiere travel and tourism destination in the world.

#### AMENDMENT NO. 1328

(Purpose: To study the benefits of establishing an electronic commerce extension program at the Department of Commerce.)

On page 65, after line 25, add the following:

#### SEC. 209. STUDY A GENERAL ELECTRONIC EXTENSION PROGRAM.

Not later than six months after the enactment of this Act, the Secretary of Commerce shall report to Congress on possible benefits from a general electronic commerce extension program to help small businesses, not limited to manufacturers, in all parts of the nation identify and adopt electronic commerce technology and techniques, so that such businesses can fully participate in electronic commerce. Such a general extension service would be analogous to the Manufacturing Extension Program managed by the National Institute of Standards and Technology, and the Cooperative Extension Service managed by the Department of Agriculture. The report shall address, at a minimum, the following—

(a) the need for or opportunity presented by such a program;

(b) some of the specific services that such a program should provide and to whom;

(c) how such a program would serve firms in rural or isolated areas;

(d) how such a program should be established, organized, and managed;

(e) the estimated costs of such a program; and

(f) the potential benefits of such a program to both small businesses and the economy as a whole.

#### AMENDMENT NO. 1329

At page 59, line 14 after the colon insert the following ?

"Provided further, That of the amounts provided, \$6,000,000 shall be made available to Pacific Coastal tribes (as defined by the Secretary of Commerce) through the Department of Commerce, which shall allocate the funds to tribes in California and Oregon, and to tribes in Washington after consultation with the Washington State Salmon Recovery Funding Board; provided further that the Secretary ensure the aforementioned \$6 million be used for restoration of Pacific Salmon populations listed under the Endangered Species Act; provided further that funds to tribes in Washington shall be used only for grants for planning (not to exceed 10% of grant), physical design, and completion of restoration projects; and provided further, that each tribe receiving a grant in Washington State derived from the aforementioned \$6 million provide a report on the specific use and effectiveness of such recovery project grant in restoring listed Pacific Salmon populations, which report shall be made public and shall be provided to the Committees on appropriations in the U.S. House of Representatives and the U.S. Senate through the Salmon Recovery Funding Board by December 1, 2000.

Mrs. MURRAY. Mr. President, my amendment will provide the Pacific coastal tribes of Washington, Oregon, and California with salmon recovery funding.

I would like to start by expressing my deep appreciation to Subcommittee Chairman GREGG and subcommittee ranking member, Senator HOLLINGS, for including in the Commerce, Justice, State appropriations bill, \$80 million for the Pacific coastal salmon recovery account. Given the fiscal constraints I am pleased the money was made available.

The Pacific coastal salmon initiative was proposed by the Administration to help address the rash of endangered

species listings of salmon along the coast. The Administration's initiative called for the funding of \$100 million with up to 10% of that money going to the Pacific coastal tribes. Another portion of the initiative called for increased personnel for the National Marine Fisheries Service in order to handle a higher workload brought about by new ESA listings around the nation. The NMFS received some funding in the bill to undertake this initial work.

The only party to this initiative that did not receive funding was the tribes. I do not know why this decision was made, but I believe it sends the wrong message and we must remedy the situation. My amendment directs funds to Pacific coastal tribes to participate in the salmon recovery process. We need them to make this process work.

I would like to recognize that my amendment to ensure tribal participation is cosponsored by Senators INOUE, BOXER, FEINSTEIN, and WYDEN. I would also like to recognize the support of Governor Gary Locke of Washington and Governor John Kitzhaber of Oregon. Lastly, I appreciate the support of King County Executive Ron Sims, Pierce County Executive Doug Sutherland, and Snohomish County Executive Bob Drewel.

The reason all these people are supporting this amendment is that they know the tribes are a vital partner in the coordinated effort to recover salmon. Successful recovery is going to require all parties working as a team. Leaving the tribes out of the equation is not a way to build the team.

Some may suggest that my amendment is unnecessary because the tribes can apply to the states for a portion of the money being provided to the states. However, tribes should not have to receive these funds through a state grant process or via any other mechanism that might diminish their roles as sovereign governments. It is Congress that can do the right thing at this stage to respect the rights of the Tribes to be self-governing and join their counterpart governments in this vital partnership.

I appreciate the cooperation of the Chairman and my colleagues in agreeing to the adoption of my amendment to make the Pacific coastal tribes true partners in our effort to recover threatened and endangered salmon runs.

#### AMENDMENT NO. 1330

(Purpose: To improve the process for deporting criminal aliens)

On page 45, between lines 9 and 10, insert the following:

SEC. . (a) In implementing the Institutional Hearing Program and the Institutional Removal Program of the Immigration and Naturalization Service, the Attorney General shall give priority to—

(1) those aliens serving a prison sentence for a serious violent felony, as defined in section 3559(c)(2)(F) of title 18, United States Code; and

(2) those aliens arrested by the Border Patrol and subsequently incarcerated for drug violations.

(b) Not later than March 31, 2000, the Attorney General shall submit a report to Congress describing the steps taken to carry out subsection (a).

#### AMENDMENT NO. 1331

(Purpose: To require Congressional notification prior to the sale of properties that have been used as U.S. embassies, U.S. Consulates or the residences of the U.S. Ambassador, Chief of Mission or Consuls General)

At the appropriate place in the bill add the following:

#### SEC. . NOTIFICATION OF INTENT TO SELL CERTAIN U.S. PROPERTIES.

Consistent with the regular notification procedures established pursuant to Section 34 of the State Department Basic Authorities Act of 1956, the Secretary of State shall notify in writing the Committees on Foreign Relations and Appropriations in the Senate and the committees on International Relations and Appropriations in the House of Representatives sixty days in advance of any action taken by the Department of enter into any contract for the final sale of properties owned by the United States that have served as United States Embassies, Consulates General, or residences for United States Ambassadors, Chief of Missions, or Consuls General.

#### AMENDMENT NO. 1332

(Purpose: To earmark funds for a new truck safety initiative)

On page 27, line 15, after "Initiative," insert "of which \$500,000 is available for a new truck safety initiative, in the state of New Jersey."

#### AMENDMENT NO. 1333

(Purpose: To allow the City of Camden to retain funding from a fiscal year 1996 law enforcement grant)

On page 45, after line 9, insert the following:

SEC. . Notwithstanding any other provision of law, \$190,000 of funds granted to the City of Camden, New Jersey, in 1996 as a part of a Federal local law enforcement block grant may be retained by Camden and spent for the purposes permitted by the grant through the end of fiscal year 2000.

#### AMENDMENT NO. 1334

(Purpose: To amend the Federal Property and Administrative Services Act of 1949 to continue and extend authority for transfers to State and local governments of certain property for law enforcement, public safety, and emergency response purposes)

On page 111, insert between lines 7 and 8 the following:

SEC. 620. Section 203(p)(1)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)) is amended—

- (1) by striking clause (ii);
- (2) by inserting "or public safety" after "law enforcement";
- (3) by striking "(i)";
- (4) by striking "(I)" and inserting "(i)"; and
- (5) by striking "(II)" and inserting "(ii)".

#### AMENDMENT NO. 1335

On page 15, after line 2, insert:

#### "HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS PROGRAM

"For expenses necessary to establish and implement the High Intensity Interstate

Gang Activity Areas Program (including grants, contracts, cooperative agreements and other assistance) pursuant to Section 205 of S. 254 as passed by the Senate on May 20, 1999, and consistent with the funding proportions established therein, \$20,000,000."

On page 21, line 16, strike "3,156,895,000" and insert "3,136,895,000."

#### AMENDMENT NO. 1336

(Purpose: To provide funding to the National Oceanic and Atmospheric Administration to upgrade Great Lakes water gauging stations in order to ensure compliance with Year 2000 (Y2K) computer date processing requirements)

On page 57, line 16, strike "\$1,776,728,000" and insert "\$1,777,118,000".

On page 57, line 17, before the colon, insert the following: "of which \$390,000 shall be used by the National Ocean Service to upgrade an additional 13 Great Lakes water gauging stations in order to ensure compliance with Year 2000 (Y2K) computer date processing requirements".

Mr. LEVIN. Mr. President, I thank Senators GREGG and HOLLINGS and REID for their efforts in helping an amendment be added to the managers' package which Senator DEWINE and I offered relative to Great Lakes stations and measuring stations for water levels. It is an important amendment for the Great Lakes.

I ask unanimous consent that a letter that I and Senator DEWINE wrote to Senators GREGG and HOLLINGS dated June 24 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, June 24, 1999.

Hon. JUDD GREGG,  
Chair, Subcommittee on Commerce, Justice,  
State, Committee on Appropriations, U.S.  
Senate, Washington, DC.

DEAR COLLEAGUES: We are writing to request that our amendment providing \$390,000 for upgrades to 13 Great Lakes gauging stations be included in the managers' amendment to the Commerce, Justice, State Appropriations bill. It has only recently come to our attention that NOAA/NOS was proposing to close rather than upgrade these 13 stations due primarily to budget consideration. Upgrades to the stations supported by the one-time appropriation in amendment will cut the long-term operating expenses for the stations by half or more while ensuring timely transfer of the essential data to the end users in the private sector and other Federal agencies. Because the old technology employed in these stations is not Y2K compliant, it is essential that the upgrades be provided this year.

Many of the 13 stations slated for closure are of particular importance to the monitoring network. Three of the stations have been in operation since the turn of the last century (1899-1901), forming a central part of the long term record for Great Lakes water levels. Their closure represents a grave loss to the continuity of the data. Six of the gauging stations are located in connecting channels, geographic locations for which water levels are nearly impossible to accurately interpolate from other sites and which are essential to determining flow rates between the lakes. Closure of these connecting channel stations will critically injure our

ability to determine flow of water, contaminants, and other substances among the Great Lakes.

Furthermore, the proposed reduction in gauging capability comes at a time when such capability is needed most. Great Lakes jurisdictions at the federal, state, provincial and binational levels are confronting a series of complex issues associated with water withdrawal, consumptive use and removal, including export. The Great Lakes system is currently experiencing dramatic declines in water levels compared with just last year, ranging from an 8" drop in Lake Superior to 30" in Lake Ontario. Overall, water levels have changed from extreme highs to levels nearly a foot below the long-term averages. This water level reduction has already had profound impacts on commercial navigation and recreational boating. Lake level regulation, dredging needs, and other priorities also are set based on the expectations of water level fluctuations. All of these issues have one thing in common: they are fundamentally dependent upon the accurate and comprehensive data provided by the 49 long-term Great Lakes stations in the National Water Level Observation Network. Federal, state and local decision makers in the Great Lakes region rely upon this network to make informed decisions regarding resource management and policy.

We believe that the funding level requested is both modest and justifiable given the importance of the water level gauging network to the Great Lakes region and the long-term cost savings that will be realized.

Sincerely,

MIKE DEWINE.  
CARL LEVIN.

#### AMENDMENT NO. 1337

On page 34, line 25, after "title", insert the following: "Provided further, That of the total amount appropriated not to exceed \$550,000 shall be available to the Lincoln Action Program's Youth Violence Alternative Project."

#### AMENDMENT NO. 1338

On page 26 of S. 1217, line 2 after the word "Programs", strike the period and insert the following:

Provided further, That of the total amount appropriated, not to exceed \$1,000,000 shall be available to the TeamMates of Nebraska project.

#### AMENDMENT NO. 1339

(Purpose: To provide for an analysis by the Securities Exchange Commission of the effects of electronic communications networks and night trading on securities markets)

On page 98, line 16, before the period, insert the following: "Provided further, That the Commission shall conduct a study on the effects of electronic communications networks and extended trading hours on securities markets, including effects on market volatility, market liquidity, and best execution practices".

#### AMENDMENT NO. 1340

(Purpose: To provide funding for task forces coordinated by the United States Attorney's Office for the Eastern District of Wisconsin and the Western and Northern Districts of New York)

On page 8, line 13, strike "\$25,000,000" and insert "\$27,000,000".

On page 8, line 23, insert before the period "and of which \$1,000,000 shall be for the

task force coordinated by the Office of the United States Attorney for the Eastern District of Wisconsin, and \$1,000,000 shall be for task forces coordinated by the Office of the United States Attorney for the Western District of New York and task forces coordinated by the Office of the United States Attorney for the Northern District of New York."

#### AMENDMENT NO. 1341

(Purpose: To allocate funds for Tibetan Exchange Program)

On page 78, line 8, before the period insert the following: "Provided further, That of the amount appropriated under this heading for the Fulbright program, such sums as may be available may be used for the Tibetan Exchange Program".

#### UNANIMOUS-CONSENT AGREEMENT

Mr. GREGG. Mr. President, I ask unanimous consent that when the Senate completes all action on S. 1217, it not be engrossed and be held at the desk. I further ask that when the House of Representatives companion measure is received in the Senate, the Senate immediately proceed to its consideration; that all after the enacting clause of the House bill be stricken and the text of S. 1217, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair be authorized to appoint conferees on the part of the Senate; and that the foregoing occur without any intervening action or debate.

I further ask unanimous consent that upon passage by the Senate of the House companion measure, as amended, the passage of S. 1217 be vitiated and the bill be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Mr. President, this is a wind-up unanimous consent request. I wonder if the distinguished manager would agree that we would have a voice vote on final passage, which would then cause this Boxer amendment vote to be the last vote tonight.

Mr. GREGG. That is the intention, and we hope that is the desire of the Senate. Therefore, the Boxer amendment will be the last vote tonight.

Mr. HOLLINGS. I ask unanimous consent that there be a voice vote on final passage.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object—and I will not—do we all agree that when the conference report returns, we will have the vote on that?

Mr. GREGG. That is correct.

Mr. HOLLINGS. Definitely.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Boxer amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SHELBY) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 61, as follows:

[Rollcall Vote No. 220 Leg.]

#### YEAS—35

Ashcroft	Enzi	Lott
Bennett	Gorton	Lugar
Bond	Gramm	McConnell
Breaux	Grams	Murkowski
Brownback	Gregg	Nickles
Bunning	Hagel	Roberts
Campbell	Hatch	Sessions
Cochran	Helms	Stevens
Coverdell	Hutchinson	Thompson
Craig	Hutchison	Voinovich
Crapo	Kyl	Warner
Domenici	Landrieu	

#### NAYS—61

Abraham	Feingold	Moynihan
Akaka	Feinstein	Murray
Allard	Fitzgerald	Reed
Baucus	Frist	Reid
Bayh	Graham	Robb
Biden	Grassley	Rockefeller
Bingaman	Harkin	Roth
Boxer	Hollings	Santorum
Bryan	Inhofe	Sarbanes
Burns	Inouye	Schumer
Byrd	Jeffords	Smith (NH)
Chafee	Johnson	Smith (OR)
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Thomas
Daschle	Lautenberg	Thurmond
DeWine	Levin	Torricelli
Dodd	Lieberman	Weillstone
Dorgan	Lincoln	Wyden
Durbin	Mack	
Edwards	Mikulski	

#### NOT VOTING—4

Kennedy	McCain
Leahy	Shelby

The motion was rejected.

Mrs. BOXER. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1306

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1306) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.